

**THE LINK BETWEEN INTERNATIONAL LAW AND MEDIA:
CASE SELECTION IN THE INTERNATIONAL CRIMINAL COURT**

by

PELİN KAHVECİ

Submitted to the Faculty of Arts and Social Sciences in partial fulfillment of the
requirements for the degree of Master of Arts

Sabanci University

Spring 2013

**THE LINK BETWEEN INTERNATIONAL LAW AND MEDIA: CASE
SELECTION IN THE INTERNATIONAL CRIMINAL COURT**

APPROVED BY:

Brooke Luetgert

(Dissertation Supervisor)

Meltem Müftüler Baç

Nimet Beriker

DATE OF APPROVAL:

@ Pelin Kahveci 2013

All Rights Reserved

Yaşam Kaynağı Annem'e

ULUSLARARASI HUKUK VE MEDYA ARASINDAKİ İLİŞKİ: ULUSLARARASI CEZA MAHKEMESİ'NDE DAVA SEÇİMİ

Pelin Kahveci

Political Science, MA Thesis, 2013

Thesis Advisor: Brooke Luetgert

Anahtar Kelimeler: Uluslararası Ceza Mahkemesi, dava seçimi, medya, haberlerde yer alma, insan hakları ihlalleri

ÖZET

Uluslararası Ceza Mahkemesi'nin resmi soruşturma davalarını seçimi, tanımlanmış yasal kriterlerin uygulanmasını eleştiren ya da Mahkeme'nin Afrika'ya olan özel ilgisini kınayan çoğu akademisyen tarafından sorgulanmıştır. Fakat, bugüne kadar hiçbir çalışma, medyanın, Mahkeme'nin dava seçimi üzerindeki rolüne odaklanmamıştır. Bu sebeple, bu çalışma Mahkeme'nin resmi soruşturma davalarına karar verirken, medyayı bir seçim aracı olarak kullanmasını ele alıyor. Bu bağlamda, bu çalışma, medyada davaların daha fazla yer almasının, Mahkeme tarafından bu davalara resmi soruşturma açılmasını daha mümkün kıldığını öne sürüyor.

Mahkeme'ye sevk edilen çoğu dava, ülkelerde meydana gelen hak ihlallerini içeriyor. Şimdiye dek, Mahkeme, Sudan, Demokratik Kongo Cumhuriyeti, Kenya, Uganda, Fildişi Sahilleri, Orta Afrika Cumhuriyeti ve Libya'daki ihlal durumlarına resmi soruşturma açarken, Irak, Venezuela ve Filistin'deki ihlaller hakkında soruşturma başlatmayı reddetti. Ayrıca, Mahkeme halen Afganistan, Kolombiya, Gürcistan, Gine, Honduras, Güney Kore, Nijerya ve Mali'deki ihlal durumlarını inceliyor.

Araştırmada toplanan haber verileri, çoğu resmi soruşturma davalarının, medyada farklı kanallar tarafından yüksek düzeylerde haber yapıldığını gösteriyor. Ayrıca, Sudan, Demokratik Kongo Cumhuriyeti ve Irak için toplanan haber bültenlerinin derinlemesine analizi, Sudan ve Demokratik Kongo Cumhuriyeti'nin Mahkeme tarafından seçilme nedeninin, bu ülkelerde meydana gelen ihlallerin medyada geniş yer almasından ötürü olduğunu gösterirken, Irak'ın reddedilme nedeninin, müdahale sırasında vuku bulan ihlallere, medyada düşük oranda yer verilmesi olduğunu gösteriyor. Sonuç olarak, davaların medyada yer alma seviyeleri ile Mahkeme tarafından bu davalara resmi soruşturma açılması arasında pozitif bir ilişki olduğu ortaya çıkıyor.

**THE LINK BETWEEN INTERNATIONAL LAW AND MEDIA:
CASE SELECTION IN THE INTERNATIONAL CRIMINAL COURT**

Pelin Kahveci

Political Science, MA Thesis, 2013

Thesis Advisor: Brooke Luetgert

Keywords: International Criminal Court, case selection, media, news coverage,
violations of human rights

ABSTRACT

The case-selection policy of the ICC is questioned by various scholars, criticizing the application of legal criteria defined or condemning the Court's special interest in Africa. However, no work focused on the role of media coverage over case-selection by the Court. Therefore; this study examines the Court's use of media as a tool of selection when deciding upon formal investigation cases. In this sense, it proposes that the more coverage in media to the cases, the more likely that the Court could take them for formal investigation.

Most of the cases forwarded to the Court include violations happened in the countries. So far, the Court opened investigations into the situation in Sudan, Democratic Republic of Congo, Kenya, Uganda, Cote D'Ivoire, Central African Republic and Libya while it rejected the cases - Iraq, Venezuela and Palestine. Moreover, the ICC is still examining the situations in Afghanistan, Colombia, Georgia, Guinea, Honduras, South Korea, Nigeria and Mali.

The news data collected shows that most of formal investigation cases received higher levels of coverage in media from various channels. Additionally, deep analysis of news reports to Sudan, Democratic Republic of Congo and Iraq, reveals that Sudan and Democratic Republic of Congo are selected by the Court because of the media's higher coverage to violations in these countries whereas Iraq is rejected due to low reporting to the violations occurred during the intervention. Consequently, a positive relationship between the level of media coverage to the cases and their likelihood selection by the Court emerges.

ACKNOWLEDGEMENTS

I would like to express my sincere gratitude to my advisor, Dr. Brooke Luetgert. It is only with her support, guidance and encouragement that I have been able to complete this process and I am grateful for all opportunities that she has provided me.

I would like to express my special thanks to the members of Faculty of Arts and Social Sciences of Sabanci University who kindly shared the knowledge and experience with me. Meltem Muftuler Bac and Nimet Beriker particularly deserve to be acknowledged for their contributions and support to this work.

I would like to thank Graduate Students of Political Science M.A. Program, especially Ilker Aslan and Tennur Katgı, who kindly helped me with my research and the study all the time and made the journey pleasurable and comfortable. I would like to thank all my friends in or outside Turkey, who crosses their fingers for me all the time.

I would like to express my special thanks to the members of the project office of United Nations Development Program, particularly to Leyla Sen, Seher Alacacı, Pinar Arıkan, Deniz Ozbek and Aysegul Bag, who supported and encouraged me in last two months of this process.

I would like to especially thank my parents, Hasan Kahveci and Fatma Kahveci, for their endless love and selfless support over the years. I am grateful for everything they have done for me. Lastly and mostly, I would like to thank my partner, Şefik Mengutay Oral, for walking through the journey together with me and believing in me all the time.

TABLE OF CONTENTS

| | |
|---|----|
| Chapter 1 – Introduction..... | 1 |
| 1.1. Overview of the International Criminal Court (ICC)..... | 2 |
| 1.2. Decision Making in the International Criminal Court..... | 3 |
| 1.3. Puzzle..... | 3 |
| Chapter 2 – Literature Review..... | 5 |
| 2.1. Conclusion..... | 8 |
| Chapter 3 – Theory..... | 9 |
| 3.1. Introduction..... | 9 |
| 3.2. Theoretical Framework..... | 10 |
| 3.3. Conclusion..... | 12 |
| Chapter 4 – Method..... | 13 |
| 4.1. The Purpose of the Study..... | 13 |
| 4.2. The Type of Investigation..... | 13 |
| 4.3. Unit of Analysis, Sample and Case-Studies..... | 14 |
| 4.4. The Time Horizon for the Study..... | 15 |
| 4.5. Linking Data to Propositions..... | 16 |
| 4.6. Variables..... | 16 |
| 4.7. Data Sources..... | 17 |
| 4.8. Data Collection..... | 18 |
| 4.9. Conclusion..... | 23 |
| Appendix: Report on Data Collection..... | 24 |

| | |
|--|----|
| LexisNexis Search..... | 24 |
| Google Hits Search..... | 27 |
| Chapter 5 - Case Studies..... | 31 |
| 5.1. Introduction..... | 31 |
| 5.2. Sudan/Darfur..... | 33 |
| 5.3. Democratic Republic of Congo (DRC)..... | 41 |
| 5.3. Iraq..... | 49 |
| 5.4. Conclusion..... | 55 |
| Chapter 6 – Analysis..... | 66 |
| 6.1. Introduction..... | 66 |
| 6.2. Analysis..... | 66 |
| 6.3. Discussion..... | 69 |
| 6.4. Conclusion..... | 70 |
| Chapter 7 – Conclusion..... | 71 |
| Bibliography..... | 74 |

LIST OF FIGURES

| | |
|---|----|
| Figure 1: Sample | 14 |
| Figure 2: Distribution of Media Coverage..... | 19 |
| Figure 3: Distribution of Google Hits..... | 20 |
| Figure 4: Categories of Media Coverage..... | 22 |
| Figure 5: Case Studies | 22 |

LIST OF TABLES

| | |
|--|----|
| Table 1: Data..... | 31 |
| Table 2: Summaries of Cases in the Sample..... | 57 |

CHAPTER 1

INTRODUCTION

The international practice of criminal prosecution, which is first applied in International Military Tribunal in 1945 for the trial of Nazi criminals, has always been a debated issue in world politics due to the reason of the complexity of the prosecution. In this regard, International Criminal Court (ICC) which is open to all states, independent and competent to deal with the most serious international crimes (Ferencz, 1998), has come under heavy criticism by its signatories, various scholars and reporters in selecting particular cases to prosecute and declining others. In this respect, some scholars as well as experts criticize the Court's special interest into the conflicts on African continent. Although ICC prosecutions have been praised by human rights advocates, the perception that the Court has focused on Africa and its choice of cases have been controversial among leaders and commentators on the continent. (Arieff, Margesson, Browne, & Weed, 2011) Some other experts contend that the Court mainly deals with failed and weak states in Africa and Middle East. As Johnstone writes, "The ICC is established according to double standards to deal with small fry. A court for 'failed states'" (Johnstone, 2007) Also, some journalists propose that the prosecution of particular cases by the International Criminal Court is political and does not serve the interest of justice, as in the case of Darfur. (Foley, 2009)

As the above debate indicates, the selection of the cases of formal investigation has been the core issue since the establishment of the Court as the Court is dealing with harsh criticisms directed against the dismissal of some cases after the preliminary examination. Thus, a puzzle emerges: How does the Court select the cases of formal investigation? What is the impact of media coverage on judicial selection decisions of the Court in this sense? In a nutshell, the study basically indicates that there is a positive relationship between the proportion of news coverage published in media to the cases and the case-selection decisions of the International Criminal Court.

Analytically, the study will conduct a small-N research enriched with case studies. Firstly, small-N research would collect the news in international press to

measure the level of media attention to the cases at the docket of the Court. The media attention variable, then, would be categorized as high, medium and low to examine the effect of variance caught in the media coverage to the cases. Secondly, three cases would be chosen in each level to examine deeply the effect of media coverage on case-selection policy of the Court by looking into the content available in gathered news.

1.1. Overview of the International Criminal Court (ICC)

International Criminal Court (ICC) which is the treaty-based and first permanent tribunal entitled to judge crimes against humanity, war crimes and genocide, is established with the entry into force of Rome Statute in July 1, 2002. The ICC's jurisdiction extends over the crimes committed since the entry into force of the Rome Statute. Since its establishment, the Court has conducted seven ongoing investigations in Uganda, Democratic Republic of Congo, Central African Republic, Sudan, Kenya, Libya and Côte d'Ivoire. The ICC is also analyzing a number of other situations in different countries including Afghanistan, Honduras, Republic of Korea, Nigeria, Colombia, Georgia, Guinea and Mali. Furthermore, the Court finished its preliminary examinations into alleged crimes in Palestine, Venezuela and Iraq and announced that he is not authorized to initiate investigations into the situations in these countries.

The headquarter of the ICC is in The Hague, Netherlands. As of February 2013, 115, 122 countries ratified the Rome Statute and become the State Parties to the Court. (Coalition for the International Criminal Court, 2013) Even though the United States signed the Rome Statute, it has not ratified yet; thus, is not a party to the Court. As defined in the Statute, conflicts can be referred to the Court in one of three ways: by a State Party, by using the Prosecutor's proprio motu powers or by the United Nations (U.N.) Security Council. Currently, three conflicts were publicly referred to the Court by the governments of the respective countries. These are the governments of Uganda, the Democratic Republic of Congo, and the Central African Republic. The United Nations Security Council referred two situations to the ICC, Darfur and Libya, through the relevant Security Council resolutions. The Prosecutor used his proprio motu powers in two countries to initiate investigations,

Cote D'Ivoire and Kenya, through the authorization of investigation by the relevant Pre-Trial Chambers.

1.2. Decision Making in the International Criminal Court

The International Criminal Court is designed as a court of last resort: It only investigates the most serious crimes to international community perpetrated by individuals (not organizations or governments), and only when national judicial systems are unwilling, weak or unable to deal with them. Thus, the Court prosecutes those who bear the greatest responsibility for the most serious crimes, based on the evidence that emerges in the course of investigation (The Office of the Prosecutor, 2010) Although many domestic legal systems grant sitting heads of state immunity from criminal prosecution, the Statute grants the ICC jurisdiction over any individual, regardless of official capacity. (Arieff, Margesson, Browne, & Weed, 2011) To initiate an investigation along with these criteria, the ICC carries out analyses based on principles of gravity, complementarity and interests of justice as specified under Article 53 of the Rome Statute. The consideration of these factors is conducted in the phase of preliminary examination in the decision tree of the International Criminal Court, which is mainly the stage of evidence and information collection through the testimonies of victims, non-governmental organizations, states and so on. At the end of preliminary examination, the ICC determines the reasonable basis to commence investigation into the case at hand or not. (The Office of the Prosecutor, 2010) This means that the case is found admissible for advanced criminal investigation of the Court during the phase of preliminary examination.

1.3. Puzzle

Among the prosecution stages, the phase of preliminary examination carries crucial importance because, at the end of the phase, the Court decides whether to take a case for formal investigation or not. Thus, the evidence the ICC gathers, the content of the information provided to the Court, the sources the Court refer to and the analysis of these sources bear utmost importance in the stage of preliminary examination as the ICC decides on the selection of cases after the review of all these available materials. That's why, what the Court gathers in the preliminary examination stage, which sources are available to it for criminal analysis and how it

applies this information into the legal criteria defined should be addressed to understand the case-selection within the International Criminal Court. Moreover, because there is no objective or numerical criteria to apply in reviewing the conflicts, most of the selection decisions is discretionary, that the final decision is dependent upon the interpretation of the relevant information by the Court. As the result, the investigation into the nature of preliminary examination as a stage in decision tree of the ICC rather than other stages is a point in case for theoretical interests of this study.

Consequently, the puzzle that shows up in the case-selection policy of the Court is as follows: How does the Court decide on the cases of formal investigation? What is the role of media coverage in this respect? The current study would try to answer all of these questions by describing the role of media attention on the case-selection decisions of the Court.

CHAPTER 2

LITERATURE REVIEW

Most of the studies examining case-selection within the International Criminal Court (ICC) refer to the criteria of “gravity”, “complementarity” and “interest of justice” defined under Articles 17, 18 and 53 of Rome Statute. Specifically, Stegmiller and DeGuzman (Stegmiller, 2009; DeGuzman, 2009) look at the application of these principles into the selection decisions of the Court. They make distinction between gravity threshold for admissibility and the Court’s use of relative gravity as a selection criterion. The first refers to the judicial interpretation of gravity by Pre-Trial Chambers, making a case admissible for formal investigation by considering relevant factors under Rome Statute: scale, manner of commission of conduct, social alarm caused by conflict and the focus on senior leaders suspected of crimes. On the other hand, the relative gravity points to the discretion of the ICC in choosing cases among the conflicts referred by considering all gravity factors and by prioritizing certain institutional goals over others. In essence, these scholars argue that because case-selection requires a more complex analysis and is up to the subjective assessment of the Court, it generally fails to distinguish between the gravity threshold for admissibility and the discretionary use of relative gravity which in turn has produced heavy criticisms to the Court’s decisions as the investigation of only the members of rebel groups in the conflicts in Uganda and Congo.

Some studies explain case-selection policy of the Court through the exercise of prosecutorial discretion. Schabas, Brubacher, Goldston and Danner (Schabas, 2008; Brubacher, 2004; Goldston, 2010; Danner, 2003) particularly examine the degree of prosecutorial discretion which intended to bring independence to the decisions of the ICC. The “duty of independence” in the relevant Article 42 in Rome Statute commands that the selection should not be influenced by the presumed wishes of any external source, the cooperation of any party or the quality of the cooperation provided. (Goldston, 2010) However, these scholars argue that a lot of exogenous and endogenous factors are interplay in the case-selection process; thus, there is no clear code of conduct which could be applied to all cases in the same manner by the Court. Therefore, for the Court to maintain the authority of decisions based on international law and to have the control necessary in remaining effective, it must be aware of the

particularities of a given situation and notice the fact that it operates within an inherently anarchical international system where the power of the rules is often subject to the rules of the power. (Brubacher, 2004) As the result, these scholars come to the conclusion that the application of prosecutorial discretion granted to the Court is subjective, meaning that it does not depend on any clear objective criteria that could be used in the same manner in the examinations of all cases.

A number of studies draw attention to the politics of case-selection within the Court and focus particularly on the ICC's special interest in some regions. According to Clark, what emerges is a picture of a nascent global institution still defining its identity and purpose, endeavoring to secure the recognition and confidence of the State Parties that back it, and sometimes making inconsistent decisions that undermine its legitimacy. (Clark, 2008) In this way, these scholars identified the selection of mostly African cases as a selection bias to seek justice in the most known conflicts around the world. For the case of Sudan, Akande, Plessis and Jalloh (Akande, DuPlessis, & Jalloh, 2010) argue that the decision of the Court to select this conflict shows that it does not only pursue justice, but also intends to promote the place of the Court among other international organizations, through biased investigations of only one party to the conflict, the state officials and the President in this case, that are the most apparent perpetrators in the conflict. In line with the same logic, some scholars argue that the International Criminal Court focuses on fragile or weak states which cannot maintain the rule of law to judge international crimes committed within national borders because of poor governance and incapable legal institutions. (Ginsburg, 2009; Mennecke, 2008; Kirsch, 2001) These scholars basically argue that because the ICC is the court of last resort, it mainly deals with weak or fragile states which lack the capacity and are unwilling to end impunity within national territories. This definition of weakness or fragility of conflict-torn countries is also found in Rome Statute of the Court. According to these scholars, the ICC takes the power of national authorities in these fragile states and the success of the Court's criminal proceedings increases through this kind of a case-selection policy.

As the above discussion shows, these accounts merely focus on either legal criteria or the politics in explaining case-selection behavior of the International Criminal Court. However, because most scholars in the current literature focus on the effect of

media on case decisions of high courts, (Robbennolt & Studebaker, 2003; Schlesinger, Tumber, & Murdock, 1991) the available theories about the ICC are missing in bringing a more sociological account into case-selection behavior of the Court which based on the media coverage. Among the scholars in literature, Staton provides a sociological model centered on the media effect by answering the question, “How the media is linked to case-promotion?” He studies the Mexican Supreme Court’s merits decisions and looks at the relationship between media coverage and judicial activism. In his model of case promotion, he argues that if a constitutional court is able to control its media coverage, it should be more likely to promote the decisions striking down public policies than those upholding public policies. (Staton, 2006) His theory has a crucial ramification referring to judicial uncertainty present in high courts’ decisions. According to the logic of Staton, the connection between judicial uncertainty and decision making could be handled by the ability of high courts’ using media coverage through case selection. Thus, he puts the media in the center in examining the link between media coverage and Mexican Supreme Court’s case-promotion behavior.

In line with the same logic, Greene, Steblay et al. and Robbennolt and Studebaker basically argue that news media reporting or legally relevant information gleaned from media sources influence the decisions as well as verdicts of the judges or the jurors in national courts. (Greene, 1990; Steblay, Besirevic, Fulero, & Lorente, 1999; Robbennolt & Studebaker, 2003) These scholars mainly point to the role of information present in media on the results of decisions taken in national courts. As Greene (1990) writes, “Jurors’ decisions may be influenced by a broad range of legally relevant information gleaned from media sources, including newspaper reports, radio and television news, advertising, movies television crime shows and televised courtroom scenes.” Moreover, as Robbennolt and Studebaker (2003) found in their study of civil litigation system, “There is a relationship between media reporting and civil litigation, involving an understanding of the influences on media reporting about civil litigation, the content of that media reporting, decision makers’ subjective understanding of what is presented in the media and the types of legal decision making made by various parties in the civil justice system.” In this way, the central implication lying behind these theories points that the judges of national courts use the media as one of main sources in making final verdicts about the cases or files they are dealing with.

As the result, the power of the media news reporting becomes a crucial actor, affecting the selection decisions given in the national courts.

As available literature in political science indicates, a high emphasis is being made on the effect of media on high courts' case-selection decisions; thus, the study applies the same logic into the selection of formal investigation cases by the International Criminal Court to fill this gap in literature about the ICC and to produce a more sociological account, scraped from the explanations of legal criteria or prosecutorial discretion granted to the Court. Because of this, the role of media coverage to the conflicts in the hand of the International Criminal Court becomes the central factor in this study, affecting case-selection decisions of the Court. By doing so, the study uses the literature laid above on the effect of media upon the case decisions of high courts and incorporates one part of this logic into the framework of the International Criminal Court. As the result, the study focuses on the relationship between media coverage and judicial case-selection decisions of the ICC.

2.1. Conclusion

As the above discussion reveals, there is a lack of theorization of case-selection policy of the International Criminal Court in political science literature. Moreover, when the increasing interest in the literature to high courts and its judicial selection decisions is considered, the selection policy of the International Criminal Court gains importance as one of the most popular courts entitled to prosecute international crimes. Furthermore, the conflicts brought in front of the Court are popular ones that the international community urging on bringing justice into. Therefore, how the International Criminal Court selects among the referred cases, becomes a central issue to be addressed. As the result, this study aims to bring explanation to the case-selection behavior of the ICC to contribute to the relevant literature and further works on this subject.

CHAPTER 3

THEORY

What is the significance of studying case-selection policy of international courts for political science? In political science literature, there is a growing body of research on high courts' judicial decisions as well as their interaction with other branches of the government, mostly with legislature. (Rogers, 2001; Vanberg, 2001; Caldeira & Wright, 1988; Kapiszewski, 2011) A more sociological part of this literature focuses on the potential influence of media reporting on the decision making in national systems, particularly on jurors, judges and civil litigants. (Robbennolt & Studebaker, 2003; Schlesinger, Tumber, & Murdock, 1991) Even though there are a number of studies focusing on case-selection policy and case-salience in national courts like Supreme Court of the United States and German Federal Constitutional Court, the literature suffers from a lack of research on how international courts decide on their cases of formal investigation. (Ritter & Wolford, 2012; Carrubba, Gabel, & Hankla, 2008) Because the acts of international courts are seen as dependent upon the members establishing them, there is a general view in literature that these organizations, most of the time, cannot behave and decide on their own as judicial bodies in national states. As Gibson, Caldiera, and Baird have expressed, "With limited institutional resources, courts are therefore uncommonly dependent upon the goodwill of their constituents for both support and compliance." (Gibson, Caldeira, & Baird, 1998) For this reason, the study aims to contribute to this space in the literature by examining case-selection policy of the International Criminal Court, on the basis of the news coverage available in media to the cases the Court is dealing with. As Kastellec and Lax write, "Although the justices' strategies in picking cases affect the observations we make and the inferences we draw, this is rarely taken into account in studies of judicial politics." (Kastellec & Lax, 2008)

3.1. Introduction

The theoretical framework of this study is mostly drawn from Vanberg's theory of constitutional review in Germany. (Vanberg, 2005) Vanberg examines the effect of political environment and public support on legislative-judicial relations. He argues that Federal Constitutional Court of Germany is more likely to veto legislation in

cases for which potential or actual public awareness is higher, the relevant policy area is less complex and outside groups provide public support for annulment. (Vanberg, 2005) The major implication of such an account is that judges maintain public support for their decisions that are related to legislative-judicial relations. In this respect, the transparency of the political environment as well as the level of public support becomes crucial. This study applies partially same logic into case-selection policy of the International Criminal Court by focusing on media coverage.

In this study, the International Criminal Court is contemplated as a unified institutional actor in case selection. In this respect, the Court has pursued seven cases so far: Sudan, Kenya, Libya, Democratic Republic of Congo, Uganda, Central African Republic and Cote d'Ivoire. It rejected three cases: Palestine, Venezuela and Iraq. Also, there are eight cases under preliminary examination by the Court: Afghanistan, Honduras, Nigeria, Colombia, Guinea, Mali, Georgia and Korea. Even though the conflicts in Iraq and Palestine seem acute and crucial, they were not selected for criminal prosecution. Furthermore, although situations in Afghanistan, Mali and Nigeria are getting worse day by day, they are still in the status of preliminary examination. In the face of such as situation, how the Court selects the cases of formal investigation?

3.2. Theoretical Framework

The study proposes to find a relationship between the Court's selection of a case and the proportion of news coverage available to the case in media. The central implication behind this claim is that the more media coverage to the cases, the more likelihood that the Court could take those cases for formal investigation. Two reasons could account for this kind of argument. First of all, the cases taken by the Court include the international crimes the entire world is drawing attention to and international press is mostly writing about. The high proportion of the news in media about an individual case could shape the opinion and perception of the Court regarding international crimes committed. Because of this, the more news appear in media, the more the likelihood that the Court could decide the case popular and urgent as well as critical to deal with criminally. As Robbennolt and Studebaker (2003) point out in their examination of news reporting on civil litigation, "The proportion of exemplars influenced recipients' opinions on the issues as well as their perceptions of others' opinions on the topics." As the result, the more international pressure to a conflict, the

more likely that the International Criminal Court takes the case for advanced criminal prosecution.

Second, in the phase of evidence collection, as the Court has to conduct in-depth analysis of international crimes committed in a conflict, it has to resort mostly to sources like the publications and reports of international organizations, the communications of civil society organizations, policy papers of humanitarian organizations and so on. These sources majorly compose of the news, updates and developments that are present in international arena regarding the conflicts the Court is dealing with. Through this way, the Court, to the large extent, needs to benefit from these sources to decide whether to initiate investigation into the case at hand. Therefore, pre-trial knowledge gleaned from these sources majorly shapes the last decisions of the Court. In conclusion, as the Prosecutor depends heavily upon the legally relevant pre-trial information in the stage of preliminary examination, the news plays a critical role in directing the Court to exploit this content for its criminal proceedings. As Studebaker and Penrod (1997) point out in their study, “Media news reporting in particular cases has the potential to influence the trial outcomes in those cases themselves and other cases that have similar characteristics.”

For that matter, the role of media news and the content in this news, become critical as the decisions of the Court about the likelihood of continuing with further examination in a case, is heavily conditioned by the information they draw from the relevant sources. Therefore, the information gathered in the phase of preliminary examination is highly influential on case-selection because it shapes the perception, expectation and opinion of the Court regarding distinguishability of a case for formal investigation. As the result, how the news reporting in media affects case-selection within the International Criminal Court presents a puzzle to be solved. Because of this reason, the question of how this news is addressed in the decision making process plays a central role. As Robinson and Darley argue in their study on criminal liability and punishment, “Many decisions made under uncertainty in the course of civil litigation are dependent on perceptions of civil litigation processes. These perceptions may potentially influence decisions made by fact finders at trial, by litigants in civil disputes, by those who may potentially become involved in civil lawsuits in the future, and by

those responsible for making policy decisions that affect the civil justice system.” (Robinson & Darley, 1997)

In other words, the central argument’s interest is to find out a relationship between the selection of formal investigation cases by the International Criminal Court and the level of popularity of these cases in media. The explanation for this kind of case-selection policy is also in line with the Court’s institutional definition, its role among other organizations and the resources it dwells upon in preliminary examination phase. As the result, the news reporting affects the ICC in selecting consciously particular cases at the point of decision-making.

3.3. Conclusion

This study contributes to the literature on the International Criminal Court by incorporating the effect of media news into the selection decisions of the Court. Because there is a lack of theoretical accounts explaining case-selection of the Court, the study would be directive and path-breaking for further studies. Moreover, the effect of media news on judicial decisions of high courts is highly referred in the literature; thus, the adaptation of such an account to the framework of the International Criminal Court brings new insights to available theories and keeps up-to-date with the relevant literature. By doing so, the framework designed in this study seeks to bring a fully-fledged theoretical analysis into the selection decisions of the Court on the basis of media coverage. As Brace, Hall and Langer argue for state supreme courts in their study, “Just as state supreme courts operate as interdependent components of state politics, they also function within their local media environments.” (Brace, Hall, & Langer, 2001)

CHAPTER 4

METHOD

Methodologically, the study combines small-N research with case studies. This kind of design is in line with the argument of the study, which aims to explore how the International Criminal Court selects the cases of formal investigation. The implication behind the study's combination of two methodological frameworks, which one is quantitative and the other is qualitative in nature, is to bring a fully-fledged investigation into the research question and to benefit from both research traditions for methodological soundness. Moreover, as both research methods are filled with methodological biases in themselves, the combination of a small-N with case studies provides the analysis valuable insight in overcoming the methodological limits of both research traditions.

4.1. The Purpose of the Study

The central question of this work is exploratory in nature and its basic aim is to test the central argument/proposition in real-life illustrations. Tellis defines exploratory case studies as a prelude to social research. (Tellis, 1997) In line with the definition of exploratory research, the study aims to illustrate the argument formed in earlier chapter with case studies. In this way, the study, initially, conducts a small-N research by collecting the news published in media for the cases at the docket of the Court and then, selects three cases to go deeper into the effect of media coverage on the selection of cases by the ICC. In this way, the study enriches quantitative data on media coverage with qualitative details in selected three cases.

4.2. The Type of Investigation

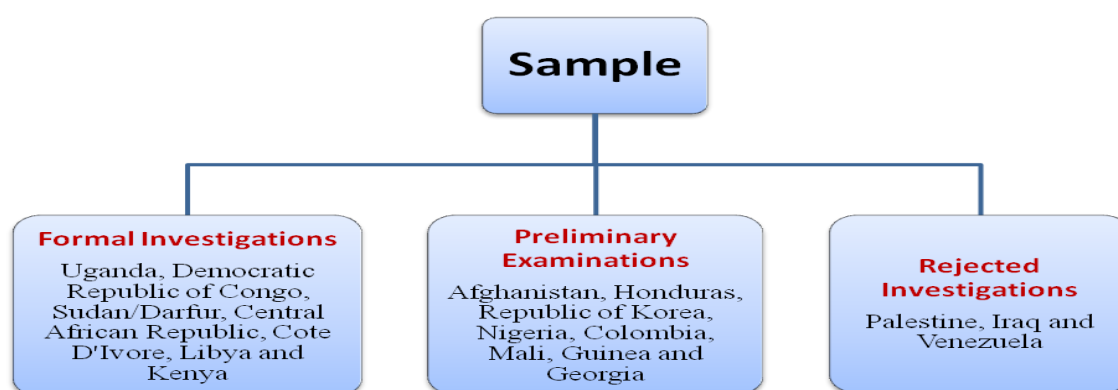
As the central question of the study is a how-question, which aims to explore and describe, it is interested in defining a relationship in case selection decisions of the Court. The main relationship in the study dictates that the higher levels of media coverage in international media to a case, the more likely for the Prosecutor to choose that case for formal investigation. Thus, the effect of media coverage on the ICC's case-selection decisions creates the main relationship in the study.

4.3. Unit of Analysis, Sample and Case-Studies

The unit of analysis of the study is the allegation of international crimes brought in front of the Court. The case refers to the “situation” in which alleged international crimes are committed in a country by some perpetrators and are brought to the attention of the International Criminal Court. In other words, the cases of the study include international crimes allegedly perpetrated by some actors within the boundaries of a country in the context of domestic conflict.

The population of cases includes all alleged violations of human rights happened in the countries around the world, even those that do not get reported to the Court. From this population, the sample of the study focuses on alleged human rights violations in the countries that have entered the investigation of the International Criminal Court. In this sense, the sample consists of the cases which the Court has conducted preliminary examinations into; the ones that are rejected by the Court and the ones that are formally investigated by the Court. In other words, the sample includes seven ongoing investigations into alleged human rights violations in Uganda, Democratic Republic of Congo, Central African Republic, Sudan, Kenya, Libya and Côte d’Ivoire; eight preliminary examinations into the alleged human rights violations in Afghanistan, Honduras, Republic of Korea, Nigeria, Colombia, Georgia, Guinea and Mali and three rejected investigations into the alleged human rights violations happened Palestine, Iraq and Venezuela. The diagram below schematizes the nature of the sample of the research:

Figure 1: Sample



The main reason of this kind of sample selection is to catch more variance on the dependent variable. As King, Keohane and Verba remark that selection should allow for the possibility of at least some variation on the dependent variable. (King, Keohane, & Verba, 1994) Also, in this way, the sample is not formed only with the cases of formal investigations; thus, the research design eliminates to some extent the selection bias by providing the possibility for each case in the population to be included in the sample of the study. As a result, the representativeness of the sample is increased in this way. As pointed out by many scholars in literature, “Studying only cases that go into trial and ignoring settled cases may produce a biased sample of the underlying population of cases.” (Priest & Klein, 1984; Eisenberg, 1990; Kastellec & Lax, 2008) Moreover, as Siegelman & Donohue, Merritt & Brudney and Law emphasize, “Studying only published cases to the exclusion of unpublished decisions may lead to either an incomplete or misleading assessment of a particular court’s output.” (Siegelman & Donohue, 1990; Merritt & Brudney, 2001; Law, 2005)

The case studies are chosen by using the method of diverse cases. Diverse-case method requires the selection of a set of cases – at minimum, two – which are intended to represent the full range of values characterizing X,Y, or some particular X/Y relationship. (Seawright & Gerring, 2008) In this approach, the researcher identifies the different substantive categories of interests as well as the number of cases to be chosen from each category. (Cochran, 1977) In line with this definition, the work categorizes independent variable (media coverage) of the research as high, medium, low and designs internally homogenous three categories suitable for the selection of one case per category. As a result, three cases are selected in total and the selection method is intended to reflect the diversity across the sample of cases.

4.4. The Time Horizon for the Study

The time frame of the study is between July 1, 2002 - the date of the establishment of the International Criminal Court with the entering into force of the Rome Statute, and December 31, 2012. The main methodological justification for time horizon of the study is that pre-examination of the Court into a situation, the resulting decision to take up a case or not and the process of criminal prosecution takes a long time. Moreover, after a case is selected for formal investigation, the Court can change or

update its decisions in each stage of criminal prosecution and can even decide to suspend the trials for a while. Also even if a case is rejected after pre-examination by the Court, there is still the possibility of bringing that case to the agenda of the ICC. As the result, there is no temporal limit in the criminal proceedings of the Court and legal judgments of the cases do not generally proceed smoothly. Furthermore, some other problems can cause the suspension of the trials as furtive perpetrators or the issues regarding the witnesses. As the result, time period is consistent with the nature of both ongoing investigations and preliminary examinations of the Court as well as with the cases rejected.

4.5. Linking Data to Propositions

As states earlier, the research design of the study completes small-N research with case studies. According to the theoretical framework of the study, the media coverage to the cases is the determinant factor for the International Criminal Court in selecting the cases of formal investigation. Because of this of theoretical conceptualization, first of all, small-N research is conducted to measure the number of media news to the cases at the docket of the Court and then, three case studies are analyzed deeply to reveal the role of media coverage on the case-selection by the ICC. In this manner, small-N research provides quantitative data and case studies produce in-depth qualitative details for the analysis. Thus, the incorporation of these methods contributes to the work through the enrichment of quantitative data with qualitative insights, which consequently increases the methodological reliability of the research.

4.6. Variables

The variables of the research are as follows: The dependent variable is whether the International Criminal Court chooses a case for formal investigation or not. It is a binary variable, identifying the cases selected by the Court for formal investigation with 1 and the cases that are rejected with 0. For the cases that are in the stage of preliminary examination, the design denotes a number different than 0 and 1 to indicate that they are yet to be decided. The independent variable is the media coverage to the cases brought in front of the International Criminal Court. The independent variable is categorical, operationalized to measure the number of news to an individual case in international media. It categorizes the media coverage into three - high, medium and low to produce

different but yet internally homogenous levels of media coverage. The aim is to provide the identification of diversity which is necessary for the selection of the cases through diverse case method. Thus, the cases of the study are selected on independent variable to decrease the selection bias and its effect on the results of the analysis.

4.7. Data Sources

As the main source, the study uses LexisNexis Academic, a program of legal research, to collect the news or articles about the cases of the study published in media. That's why, data-collection benefits from secondary/existing data. The justification behind the use of LexisNexis as a primary source is that because the study is interested in doing a sort of legal research about the International Criminal Court and the cases reviewed by the Court, LexisNexis is the most suitable tool as the globally major provider for legal research. Moreover, as the main issue of the research is to gather the articles that are contently compatible with the defined terms, LexisNexis search terms and connectors as well as the option to search whether in headlines or within the texts of the articles, are helpful for this aim. Also, the database of newspapers LexisNexis provides is huge for the interests of the study, ranging from the publications in well-known American journals to the magazines written in Africa or other continents. Furthermore, the database of newspapers in LexisNexis not only includes the magazines and newspapers published in the area of politics, but also the ones in business, finance or technology. As the result, the search in LexisNexis provides a large framework of sources into the analysis as well as diverse contents on an issue. However, the only handicap of LexisNexis is that the search language is English; thus, it only finds the articles or the news published in English in any newspaper or magazine around the world.

For cross-validation of the data gathered in LexisNexis, Google is used to measure the number of links or pages a case brought to the attention of the Court has received in the web. As LexisNexis, Google benefits from secondary/existing data available in the web. The justification of Google Hits search as a second source is that it is one of widely used search engines around the world and it provides the quicker results, with a large base of sources abounded on internet. Overall, the aim of cross-validation in case-studies is triangulation, the use of findings from different sources. In

this way, triangulation is intended to increase the construct validity of case-study research through the convergence of findings from different sources. Thus, the findings pulled from Google and LexisNexis would not be identical, but they are expected to converge at some point in the research. As the result, the use of multiple sources in case studies would create a significant database for the benefit of this research.

4.8. Data Collection

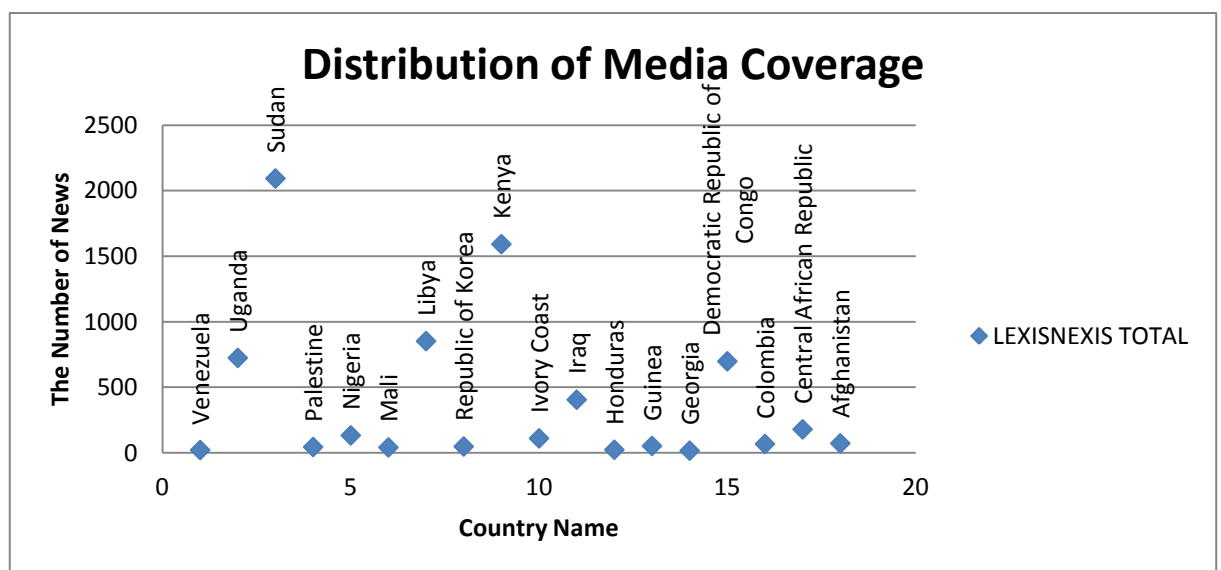
LexisNexis search is made Advanced Search section of the program between the dates June 9 and June 22, 2013. The news published for the cases at the docket of the Court is looked for in the headlines or leading paragraphs of the articles available in the newspaper database of 'Major World Publications', by using the connector, *w/n*.¹ The database of 'Major World Publications' includes not only news about the cases of the sample published in the known newspapers like New York Times and The Guardian but also the documents/reports published on internet by international organizations such as the United Nations as well as the articles about the judicial decisions of the Court written in country newspapers by the authors like Africa News, Zimbabwe Independent or Cameroon Tribune. The news published between July 1, 2002 and December 31, 2012 is collected on a yearly basis for 18 countries within the sample of the study. The code, *HLEAD (Country Name w/60 International Criminal Court)*, is used as the main search term in LexisNexis.

As the result, the total of 7188 news is gathered for all cases the International Criminal Court has dealt with criminally. The scatter plot below shows that Sudan received the most coverage with a total of 2094 news whereas Georgia received the least coverage with a total of 17 news in the time period between June 1, 2002 and December 31, 2012. Moreover, the scatter plot reveals that the distribution of the cases aggregates in three areas of the graph: numerically between 0 and 500; between 500 and 1000 and between 1500 and 2500. The cases located in the area of news coverage between 0 and 500 are Venezuela, Palestine, Nigeria, Mali, Republic of Korea, Ivory Coast, Iraq, Honduras, Guinea, Georgia, Colombia, Central African

¹ Please find Appendix: Report on Data Collection at the end of the Method Chapter to see the complete explanations of the searches conducted in LexisNexis and Google together with the search terms used.

Republic and Afghanistan. In this area, Iraq received the most coverage with a total of 406 news. The cases located in the area of news coverage between 500 and 1000 are Uganda, Libya and Democratic Republic of Congo. In this area, Libya received the most coverage with a total of 853 news whereas Democratic Republic of Congo took the least coverage with a total of 699 news coverage. The cases in the area of news coverage between 1500 and 2500 are Sudan and Kenya. In this area, Kenya received the least coverage with a total of 1593 news between the dates June 1, 2002 and December 31, 2012.

Figure 2: Distribution of Media Coverage



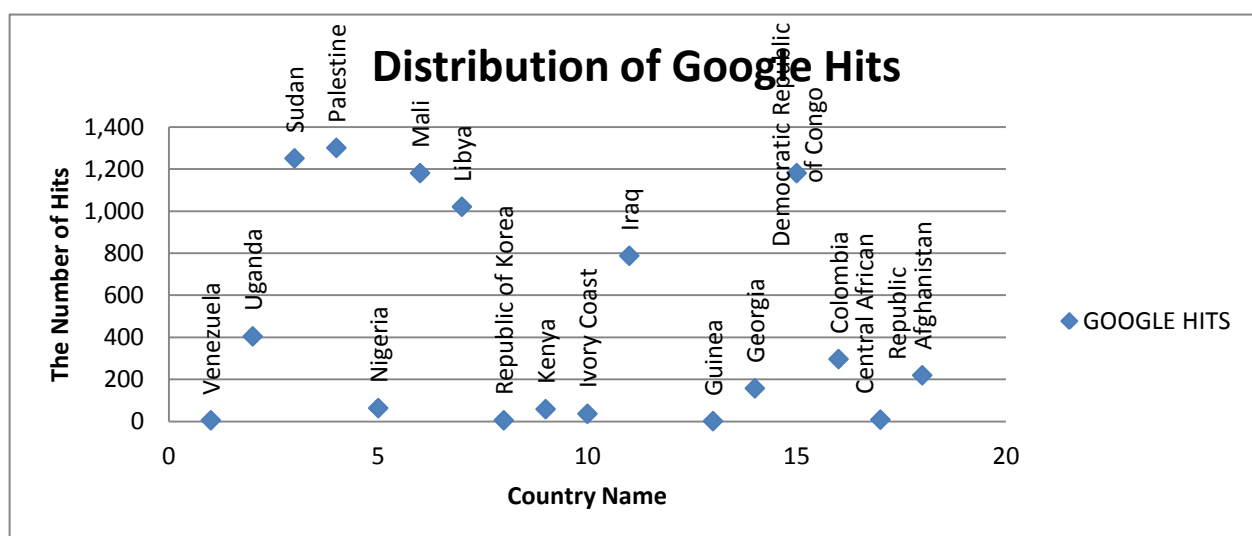
The major issue with LexisNexis dataset is the problem of missing data. This problem stems from the lack of published news about some cases in some years like for Honduras in 2008-2009 or the lack of communication between the Court and the countries in some years on the referred conflict. Accordingly, the gathered data suffers from missing data for some country*years as it is not able to find published news in LexisNexis search. However, the missing points are few and are not systematic in the sense that they do not continue for long periods of time within the data. Because of this, even though missing data is difficult to handle, especially in small-N studies, it does not have a biased effect on the categorization of the sample and the results.

For cross-validation of the data gathered through LexisNexis, a second source, Google, is used to measure the number of pages or links to a case at the docket of the ICC available between the dates June 1, 2002 and December 31, 2012 in the web.

The Google Hits search is made on August 5, 2013. To conduct the search in Google, the name of the Court and the conflict is written together within the quotation marks into seek bar. The aim of using quotation marks is to get the pages or the links including the exact phrase in an exact order in the web. The time frame of the research is restricted in ‘Search Tools’. The code, “*International Criminal Court*” “*The Name of the Conflict*”, is produced as the main search term for Google Hits.

As the result, 7969 hits for 18 countries within the sample of the study are viewed for time period from June 1, 2002 and December 31, 2012. The scatter plot below shows that Palestine is hit most in the web with 1300 results whereas Guinea is hit least with 1 result. Moreover, the scatter plot reveals that the distribution of the cases aggregates in 3 areas of the diagram: between 0 and 400; between 400 and 800 and between 800 and 1400. The countries located in the area of hits between 0 and 400 are Venezuela, Nigeria, Republic of Korea, Kenya, Ivory Coast, Guinea, Georgia, Central African Republic, Afghanistan and Colombia. In this area, Colombia is hit most with 296 pages found in the web. The countries located in the area of hits between 400 and 800 are Uganda and Iraq. Iraq is hit most in this areas with 787 pages viewed in the web. The countries located in the area of hits between 800 and 1400 are Libya, Democratic Republic of Congo, Mali, Sudan and Palestine. In this area, Libya is hit least with 1020 pages resulted in the web between the dates June 1, 2002 and December 31, 2012.

Figure 3: Distribution of Google Hits



When the data gained from two sources are compared, it is observed that the results gathered from LexisNexis and Google are not identical because these search engines work in different formats and pull from different resources. However, the comparison of the data reveals that there is a positive correlation, 36%, between LexisNexis and Google Hits data. This means that there are similarities between the structures of two data despite different working formats. Hence, positive correlation of 36% legitimizes the use of LexisNexis data in the study. As the result, the categories the study defined through LexisNexis data are well supported with Google Hits data because three categories that hit numbers could be aggregated into, also emerge in Google Hits data. In this respect, the comparison indicates that a few cases find more coverage in the Google web search when compared to their news coverage in LexisNexis. These are Democratic Republic of Congo, Libya, Mali, Palestine and Iraq. Also Kenya acquired less coverage on internet when compared its LexisNexis news coverage. Multiple explanations could account for this situation: language bias, the researcher bias, difference in target audience, the time passed since the event, the topicality of the conflict, the number of previously related regional events and so on. An alternative explanation could be the limitedness of key words that could be used in Google Hits search.

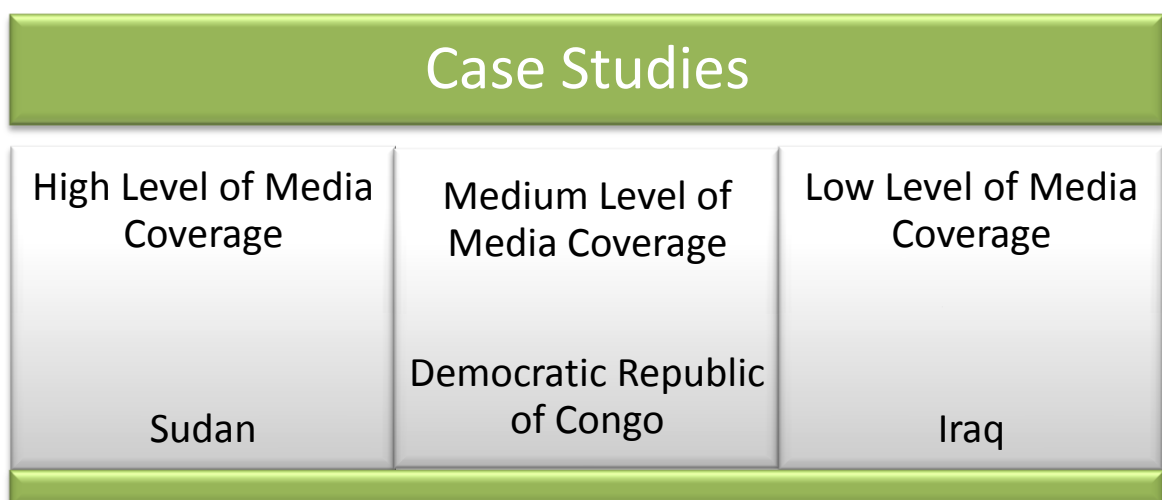
Despite the differences in two data, the structure of the categorization is supported with the distribution in Google Hits data and three categories of the study are formed in this way. This categorization is made through diverse case method to catch the diversity across the sample of cases with respect to media coverage they received in international press. In this respect, three categories of media coverage – high, medium and low – are depicted in below diagram with the countries within each category:

Figure 4: Categories of Media Coverage

| Low Level of Media Coverage | Medium Level of Media Coverage | High Level of Media Coverage |
|---|--|---|
| <ul style="list-style-type: none">• Central African Republic• Cote d'Ivoire• Iraq• Palestine• Venezuela• Afghanistan• Honduras• Nigeria• Colombia• Guinea• Mali• Georgia• Korea | <ul style="list-style-type: none">• Libya• Congo• Uganda | <ul style="list-style-type: none">• Sudan• Kenya |

To determine case studies of the research, the study chooses one case per category. In this sense, Sudan is selected in high level of media coverage; Democratic Republic of Congo is chosen in medium level of media coverage and Iraq is taken in low level of media coverage. The cases of the study are shown visually in the following diagram:

Figure 5: Case Studies



The selection of the sample in this way not random because random selection is difficult and not applicable in case study designs. Sudan and Iraq are chosen because they received the most coverage in their respective categories. Moreover, Sudan is selected for formal investigation by the Court whereas Iraq is rejected by the ICC despite its relatively high number of media coverage among other cases in the category of low level of media coverage. Democratic Republic of Congo is selected because the numbers of media coverage to the cases in th category of medium level of media coverage is almost same and all cases are taken by the Court for formal investigation. Thus, the selection of the case received the least coverage in this category would not affect the results. The justification in selecting these cases for the analysis would be made more extensively in the chapter of the Cases of the Study.

4.9. Conclusion

Because the work is exploratory and descriptive in nature, it enriches small-N research with case studies. This kind of combination of methods is also in line with the theoretical account described earlier in the study. Moreover, because these methods are filled with methodological biases in themselves, the combination of them eliminates the problems of each research tradition to the great extent. Thus, the incorporation of two methods in one study improves the quality as well as methodological soundness of the research. As the result, the researcher claims to achieve mainly construct validity with this research design by completing two methodologically separate research tools.

APPENDIX

REPORT ON DATA COLLECTION

LexisNexis Search

The LexisNexis search is done between the dates, June 9, and June 22, 2013 – for all cases brought to the attention of the International Criminal Court. Advanced Search of LexisNexis is used for this aim. In ‘Search Type’, ‘Terms & Connectors’ is picked. The study collected the news for each case published in media in the period from July 1, 2002 to December 31, 2012. No ‘Index Terms’ are added into the search. ‘Major World Publications’ is chosen as the source of the search. No specific newspaper is identified; thus, the search included all newspapers in the database of ‘Major World Publications’. ‘Major World Publications’ contains popular newspapers such as New York Times, the Guardian, Le Monde; magazines and trade journals like The Economist; country profiles as BBC Monitoring and Global Insight and national as well as regional newspapers like African Post. The search term, *HLEAD*, is picked in ‘Section Search’. *HLEAD* finds the reports/news that includes the defined search labels in headlines or leading paragraphs of the articles. As the connector, *w/n* is added in ‘Section Search’. Neither *AND* nor *OR* is used as connector in ‘Section Search’ because they connect the search terms regardless of where they appear in an article. Thus, the content which is not contextually or topically relevant may appear within the results.

The list of search terms and their usage are as follows:

HLEAD – searches in the headlines or leading paragraphs of an article.

Country Name *w/n* International Criminal Court – finds documents where ‘Country Name’ is within *n* words of ‘International Criminal Court’. For the interests of this study, *w/60* is used. As an example, LexisNexis found the documents where ‘Congo’ (country name) is within 60 words of ‘International Criminal Court’.

Consequently, the following term is formed as the main search code of the study in LexisNexis:

HLEAD(Country Name w/60 International Criminal Court)

To search for the news about the ICC's examination into the conflict in Venezuela, the search term, *HLEAD (Venezuela w/60 International Criminal Court)*, is entered in LexisNexis Advanced Search. A total of 22 news coverage is gathered for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news on the ICC's investigation into Uganda conflict, the search term, *HLEAD(Uganda w/60 International Criminal Court,)* is added in LexisNexis Advanced Search. A total of 725 news coverage is collected for the country in the period from June 1, 2002 to December 31, 2012.

To search for the news regarding the investigation of Sudan/Darfur conflict by the Court, the search term, *HLEAD(Sudan w/60 International Criminal Court)*, is written in LexisNexis Advanced Search. The label, Sudan, is used instead of Darfur because the investigation of the Court into the conflict is not only conducted in Darfur region, but also in eastern regions of Kivu or Ituri. A total of 2094 news coverage is gained for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news about the ICC's examination of the Palestine conflict, the search term, *HLEAD(Palestine w/60 International Criminal Court)*, is entered in LexisNexis Advanced Search. A total of 45 news coverage is gathered for the country in the period from June 1, 2002 to December 31, 2012.

To search for the news on the examination of the ICC into the Nigeria conflict, the search term, *HLEAD(Nigeria w/60 International Criminal Court,)* is added in LexisNexis Advanced Search. A total of 134 news coverage is collected for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news regarding the ICC's investigation into Mali, the search term, *HLEAD(Mali w/60 International Criminal Court)*, is written in LexisNexis Advanced Search. A total of 42 news coverage is acquired for the country in the period from June 1, 2002 to December 31, 2012.

To search for the news about the investigation of Libya conflict by the Court, the search term, *HLEAD(Libya w/60 International Criminal Court)*, is added in LexisNexis Advanced Search. A total of 853 news coverage is collected for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news on the ICC's examination into the conflict in Republic of Korea, the search term, *HLEAD(Korea w/60 International Criminal Court)*, is entered in LexisNexis Advanced Search. Korea is used as label instead of Republic of Korea because the conflict includes both sides, North Korea and South Korea; thus, the collection of news only about the Republic of Korea would not be helpful to examine the conflict between these two states located on the peninsula. A total of 49 news coverage is gathered for the country in the period from June 1, 2002 to December 31, 2012.

To search for the regarding the ICC's investigation into the conflict in Kenya, the search term, *HLEAD(Kenya w/60 International Criminal Court)*, is written in Advanced Search of LexisNexis. A total of 1593 news is collected for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news about the Court's investigation into Cote D'Ivoire, the search term, *HLEAD (Ivory Coast w/60 International Criminal Court)*, is added in LexisNexis Advanced Search. The label, Ivory Coast, is used instead of Cote D'Ivoire as most of the literature uses the former instead of the latter. A total of 111 news coverage is gathered for the country in the period from June 1, 2002 to December 31, 2012.

To search for the news on the ICC's Iraq examination, the search term, *HLEAD (Iraq w/60 International Criminal Court)*, is entered in Advanced Search of LexisNexis. A total of 406 news coverage is collected for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news writing about the Court's examination into the conflict in Honduras, the search term, *HLEAD(Honduras w/60 International Criminal Court)*, is added in LexisNexis Advanced Search. A total of 24 news coverage is acquired for the country in the period from June 1, 2002 to December 31, 2012.

To search for the news about the ICC's Guinea examination, the search term, *HLEAD(Guinea w/60 International Criminal Court)*, is written in LexisNexis Advanced Search. A total of 53 news coverage is gathered for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news regarding the examination of Georgia conflict by the Court, the search term, *HLEAD(Georgia w/60 International Criminal Court)*, is entered in Advanced Search of LexisNexis. A total of 17 news coverage is collected for the country in the period from June 1, 2002 to December 31, 2012.

To search for the news on the investigation of the conflict in Congo by the Court, the search term, *HLEAD(Congo w/60 International Criminal Court)*, is added in LexisNexis Advanced Search. The label, Congo, is used instead of Democratic Republic of Congo as it is widely used in the literature by the experts. A total of 699 news coverage is gained for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news about the ICC's examination into the conflict in Colombia, the search term, *HLEAD(Colombia w/60 International Criminal Court)*, is entered in LexisNexis Advanced Search. A total of 68 news coverage is arrived for the country in the period from June 1, 2002 to December 31, 2012.

To search for the news regarding the ICC's investigation into the conflict in Central African Republic, the search term, *HLEAD(Central African Republic w/60 International Criminal Court)*, is added in LexisNexis Advanced Search. A total of 180 news coverage is gathered for the country between the dates, June 1, 2002 and December 31, 2012.

To search for the news about the examination of the conflict in Afghanistan by the ICC, the search term, *HLEAD(Afghanistan w/60 International Criminal Court)*, is added in LexisNexis Advanced Search. A total of 73 news coverage is acquired for the country in the period from June 1, 2002 to December 31, 2012.

Google Hits Search

The search is made in the search engine, Google, on August 1, 2013. The aim of Google Hits search is to find the number of links or pages a conflict in the study has received in the web between the dates, June 1, 2002 and December 31, 2012. In this way, the study measures the prominence of a conflict in the web through counting the number of links or pages writing about the case at hand.

To conduct the search in Google, the name of the Court and the conflict is written together in the seek bar. The quotation marks are used in entering the name of the Court and the conflict in the search to find the articles containing exactly the defined phrase in an exact order within its content. In ‘Search Tools’, the time period is restricted and all results are included in the search. Consequently, the following term, which is the main search code in Google, is formed:

“International Criminal Court” “The Name of the Conflict” – finds the articles mentioning, exactly and in defined order, about the International Criminal Court’s investigation into a specific conflict. For example; *“International Criminal Court” “Sudan Conflict”* gets the pages in the web exactly writing, in the specified order, about the International Criminal Court’s investigation into the Sudan conflict. The term is organized in this way because the study looks for the pages or links about the Sudan conflict written in the framework of the International Criminal Court. Moreover, the term ‘conflict’ is used to limit the results that can contain contently irrelevant pages or links. Moreover, neither the connector *AND* nor *OR* is used within the search term because they could collect the articles that are irrelevant, as the ones writing about only the International Criminal Court or the Sudan conflict or the ones including both search terms no matter the order of the phrases in the term.

To get the pages and links about the ICC’s examination into Venezuela, the search term, *“International Criminal Court”“Venezuela Conflict”*, is entered in Google seek bar. 5 pages related to the search term are viewed.

To get the pages and links relating to the ICC’s investigation into Uganda, the search term, *“International Criminal Court”“Uganda Conflict”*, is written in seek bar of Google. 404 pages in line with the search term are collected.

To get the pages and links on the ICC’s investigation into Sudan, the search term, *“International Criminal Court”“Sudan Conflict”*, is added in Google seek bar. 1250 pages including the search term are viewed.

To get the pages and links about the ICC’s examination into Palestine, the search term, *“International Criminal Court”“Palestine Conflict”*, is entered in Google seek bar. 1300 pages in line with the search term are collected.

To get the pages and links on the ICC's examination into Nigeria, the search term, "*International Criminal Court*" "*Nigeria Conflict*", is added in the seek bar of Google. 63 pages related to the search term are viewed.

To get the pages and links relating to the ICC's examination into Mali, the search term, "*International Criminal Court*" "*Mali Conflict*", is written in Google seek bar. 1180 pages including the search term are gathered.

To get the pages and links about the ICC's investigation into Libya, the search term, "*International Criminal Court*" "*Libya Conflict*", is entered in seek bar of Google. 1020 pages in line with the search term are found.

To get the pages and links relating to the ICC's examination into Republic of Korea, the search term, "*International Criminal Court*" "*North Korea Conflict*", is written in Google seek bar. The label, North Korea, is used instead of Republic of Korea because rather than the formal name of the country, North/South division is widely used in literature. Moreover, the search term including the label, Republic of Korea, could not give any results in Google seek bar. 5 pages including the search term are viewed.

To get the pages and links on the ICC's investigation into Kenya, the search term, "*International Criminal Court*" "*Kenya Conflict*", is added in seek bar of Google. 58 pages related to the search term are collected.

To get the pages and links about the ICC's investigation into Cote D'Ivoire, the search term, "*International Criminal Court*" "*Cote D'Ivoire Conflict*", is written in Google seek bar. The label, Cote D'Ivoire, is used instead of Ivory Coast. 36 pages including the search term are viewed.

To get the pages and links on the ICC's examination into Iraq, the search term, "*International Criminal Court*" "*Iraq Conflict*", is entered in seek bar of Google. 787 pages in line with the search term are gathered.

To get the pages and links relating to the ICC's examination into Honduras, the search term, "*International Criminal Court*" "*Honduras Conflict*", is added in Google seek bar. No pages including the search term is found.

To get the pages and links about the ICC's examination into Guinea, the search term, "*International Criminal Court*" "*Guinea Conflict*", is entered in seek bar of Google. 1 page related to the search term is collected.

To get the pages and links relating to the ICC's examination into Georgia, the search term, "*International Criminal Court*" "*Georgia Conflict*", is written in Google seek bar. 157 pages in line with the search term are gathered.

To get the pages and links on the ICC's investigation into Democratic Republic of Congo, the search term, "*International Criminal Court*" "*Democratic Republic of Congo Conflict*", is written in seek bar of Google. The label, Democratic Republic of Congo, is used instead of Congo because the former could help excluding irrelevant content abound in the web. 1180 pages including the search term are viewed.

To get the pages and links relating to the ICC's examination into Colombia, the search term, "*International Criminal Court*" "*Colombia Conflict*", is entered in Google seek bar. 296 pages including the search term are collected.

To get the pages and the links about the ICC's investigation into Central African Republic, the search term, "*International Criminal Court*" "*Central African Republic Conflict*", is written in seek bar of Google. 8 pages related to the search term are found.

To get the pages and the links on the ICC's examination into Afghanistan, the search term, "*International Criminal Court*" "*Afghanistan Conflict*", is added in Google seek bar. 219 pages containing the search term are viewed.

Table 1: Data

| Country | Country Code* | Years (01/07/2002-31/12/2012) | | | | | | | | | | LEXISNEXIS TOTAL | GOOGLE HITS |
|--|---------------|-------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------------|-------------|
| | | 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006 | 2006-2007 | 2007-2008 | 2008-2009 | 2009-2010 | 2010-2011 | 2011-2012 | | |
| Venezuela | 0 | 2 | 1 | 1 | 5 | 1 | 4 | 1 | 3 | 3 | 1 | 22 | 5 |
| Uganda | 1 | 10 | 24 | 77 | 101 | 114 | 79 | 56 | 163 | 38 | 63 | 725 | 404 |
| Sudan | 1 | 7 | 4 | 183 | 68 | 136 | 103 | 950 | 243 | 217 | 183 | 2094 | 1,250 |
| Palestine | 2 | 6 | | | 1 | 1 | 4 | 3 | 2 | 2 | 26 | 45 | 1,300 |
| Nigeria | 2 | 2 | 12 | 6 | 10 | 5 | 3 | 17 | 18 | 17 | 44 | 134 | 63 |
| Mali | 2 | 3 | 1 | 1 | 1 | | | 4 | 2 | 1 | 29 | 42 | 1,180 |
| Libya | 1 | 1 | 2 | 2 | 2 | | | 20 | 24 | 212 | 590 | 853 | 1,020 |
| Republic of Korea | 2 | 17 | 1 | 2 | 3 | 2 | 1 | 1 | 2 | 19 | 1 | 49 | 5 |
| Kenya | 1 | 2 | 4 | 21 | 11 | 4 | 11 | 37 | 325 | 737 | 441 | 1593 | 58 |
| Ivory Coast | 1 | 1 | 1 | 1 | 1 | | | 1 | 2 | 12 | 92 | 111 | 36 |
| Iraq | 0 | 141 | 126 | 33 | 35 | 11 | 4 | 6 | 9 | 10 | 31 | 406 | 787 |
| Honduras | 2 | 6 | 9 | | | | 1 | | 1 | 5 | 2 | 24 | |
| Guinea | 2 | 1 | 3 | 2 | | | | 3 | 24 | 11 | 9 | 53 | 1 |
| Georgia | 2 | 1 | 1 | | 2 | | | 3 | 5 | 4 | 1 | 17 | 157 |
| Democratic Republic of Congo | 1 | 15 | 26 | 23 | 40 | 34 | 65 | 58 | 50 | 104 | 284 | 699 | 1,180 |
| Colombia | 2 | 19 | 21 | 3 | 4 | 1 | 5 | 4 | 5 | 4 | 2 | 68 | 296 |
| Central African Republic | 1 | 2 | 8 | 4 | 4 | 12 | 16 | 21 | 13 | 47 | 53 | 180 | 8 |
| Afghanistan | 0 | 20 | 10 | 3 | 4 | 3 | | 6 | 10 | 10 | 7 | 73 | 219 |
| | | | | | | | | | | | | | |
| | | | | | | | | | | SUM | | 7188 | 7,969 |
| Country Code*: 0 denotes the cases rejected by the Court. | | | | | | | | | | | | | |
| 1 denotes the cases taken by the Court for formal investigation. | | | | | | | | | | | | | |
| 2 denotes the cases in the stage of preliminary examination, in other words, the decision about their prosecution is yet to be given by the Court. | | | | | | | | | | | | | |

CHAPTER 5

CASE STUDIES

5.1. Introduction

The cases – Sudan, Democratic Republic of Congo and Iraq - are chosen to explain the role of media coverage on the selection decisions of the International Criminal Court. Sudan is chosen in high level of media coverage category; Democratic Republic of Congo is selected in medium level of media coverage category and Iraq is picked in low level of media coverage category.

The reason of the selection of Sudan in high level of media coverage is that it received the most coverage within this category and also among other cases of the sample. Moreover, one finding emerged in the countries of media coverage at high level: Both Kenya and Sudan are taken for formal investigation by the Court. Since the ICC gave the same decision about both cases, choosing Sudan from this category would not create any bias. Consequently, the selection of the case received the highest media coverage in this category is intended to represent the nature of high level of media coverage; in other words, it is a representative/typical case.

Democratic Republic of Congo is picked in medium level of media coverage category. In means of media news, Democratic Republic of Congo received the least coverage among other cases located in the category. Furthermore, one finding emerged in the countries received media coverage at medium level: Democratic Republic of Congo, Uganda and Libya are taken for formal investigation by the Court. Since the ICC made the same decision about three cases, the selection of Democratic Republic of Congo in this category would not create any bias. As a consequence, the selection of the case received the least coverage in this kind of a category is intended to reflect the nature of medium level of media coverage as Democratic Republic of Congo is a typical case.

Iraq is chosen in the category of low level of media coverage. Three findings emerged in the countries received media coverage at low level: Central African Republic and Cote D'Ivoire are taken for formal investigation; Afghanistan, Mali, Nigeria, Republic of Korea, Honduras, Guinea, Georgia and Colombia are in the phase

of preliminary examination and Iraq, Venezuela and Palestine are rejected by the Court. The case, Iraq is chosen in this category because it received the most news coverage and also, it is rejected by the Court for formal investigation. Also, this case received the most coverage among other rejected cases in this category as well. When also compared to other cases of the study – Sudan and Democratic Republic of Congo - the media coverage of Iraq is relatively low. Furthermore, the reason of the study's dismissal of preliminary examination cases located in low level of media coverage category is that they are yet to be decided by the Court on their selection as the Court's investigations into them still continue and the potential media coverage to them may change until the date of the announcement of the Court's decision. Therefore, to predict whether these cases would be chosen by the Court is pretty difficult. Consequently, the selection of a rejected case took the highest coverage in low level of media coverage category is designed to reveal the importance of media coverage at low level; thus, it is a prototypical case.

In conclusion, the selected cases are indicative of the effect of media coverage on selection decisions of the ICC as they are representative of their own categories. Moreover, two outcomes emerge in this kind of case-selection which is in line with argument of the study. Also, the relatively large difference among the cases' media coverage – 2094 news for Sudan, 699 news for Democratic Republic of Congo and 406 news for Iraq – reveals the diversity in the level of media coverage to the cases. As a consequence, three countries are perfect illustration cases here, as the goal of the study is to show the application of argument into real-world situations.

5.2. Sudan/Darfur

Sudan became known as Africa's largest country, situated on the eastern edge of Sahara desert. Darfur, the place where 2003 conflict started, is a drought-prone region, located on the western Sudan. There are ethnographically between 40 and 80 ethnic groups in Darfur. (Save Darfur, 2004) Darfur mainly consists of African farmers and Arabic nomadic tribes. These ethnic groups are distributed into the villages disproportionally; thus, most of the villages are multi-ethnic. The spoken languages of Darfur are mainly Arabic, Fur and Massalit together with many local dialects.

The conflict in Darfur traces back to 1989, the time when General Omar Al Bashir took control of the government by military coup and formed the Islamic government to enforce the tensions between Arab and African dominated regions. Because of this, most of African groups like the Fur, Zaghawa and Massalit feared that the government was supporting Arabs over themselves. In 2003, two national rebel movements- the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) - which composed of the members of these three indigenous ethnic groups, are formed and took up arms against the Sudanese government, complaining about the marginalization of the area and the failure of the government to protect them from attacks by nomads. (United Human Rights Council, 2013) As a response, the government of Sudan cooperated with some of the nomadic tribes in Darfur, forming the government supported Arab military forces, known as Janjaweed. The government's goal was to quell any support for the rebels, and the Janjaweed had interests in securing new lands and other resources for their own Arab communities. (United States Holocaust Memorial Museum, 2011) The violence between Sudanese government forces and rebel groups turned into ethnic cleansing or genocide when Janjaweed forces systematically displaced, murdered and persecuted many African farmers in Darfur with the support from the national government. Janjaweed militias wreaked havoc throughout Darfur, ultimately leading to the deaths of around 300,000 people and the displacement of almost 4 million. (Enough Project, 2012) A ceasefire was declared in 2004 and African Union (A.U.) troops arrived in Darfur to stop the violence; however, these efforts failed and the conflict in the region even intensified day by day. In January 2005, the signing of the Comprehensive Peace Agreement (CPA) formally ended the Sudanese civil war between north and south, but the conflict in Darfur lay outside of the accord and is still ongoing.

The resulting humanitarian crisis caused serious damage in the region; thus, Sudanese people suffered a lot in the situation of ongoing civil war. Many villages in Darfur were destroyed and many women as well as girls were raped by Janjaweed militia forces. In addition, at least 2 million people are considered conflict-affected by the United Nations (UN) and many need some form of food assistance because the conflict has damaged the local economy, markets, and trade in Darfur. (Human Rights Watch, 2008) Since 2003, an estimated 300,000 people have died as a result of the

conflict in Darfur and as many as 2.7 million people have been displaced within Darfur, with several hundred thousands more fleeing into neighboring countries such as Chad, the Central African Republic and Egypt. (End Genocide, 2012)

According to many sources, ethnic cleansing in Darfur is being organized and led by the Sudanese government officials and Janjaweed militias have been the police force of this act. Although international community pressed hard, the Sudanese government appears unwilling to address the human rights crisis in the region and has not taken the necessary steps to restrict the activities of Janjaweed leaders. (United Human Rights Council, 2013) Furthermore, since the conflict began, the rebels in Darfur have splintered multiple times, leaving an unwieldy number of groups with varying needs, and an increasingly complicated road to peace. (Enough Project, 2012) Even though the Darfur Peace Agreement was signed between the Sudanese government and one of rebel movements (SLM) in 2006, May, because of the multiplicity of rebel groups, the government has continued fighting more violently against the ones that have not signed the peace agreement. Moreover, the national government is pushing the leaders from Fur, Zaghawa and Massalit ethnic groups to accept reconciliation and compensation planned by the government. (Rubin, 2006)

2094 news reporting are collected in LexisNexis for the ongoing situation in Sudan. The number implicates that among other cases in the study the episodes in Sudan appeared extensively in press through the reporting of various channels. In this respect, the news coverage gathered for Sudan consists categorically of a wide range of sources as newspapers, news transcripts, newsletters, web-based publications or reports, magazines & journals, newswires & press releases and legal news. Most of the known newspapers, newsletters and magazines published in Europe, the United States, Africa and Far East drew attention, to a large extent, to international crimes committed in Sudan: The New York Times, The Times, The Guardian, The Washington Post, The Independent, The Irish Times, The Globe and Mail (Canada), The Daily Telegraph, Euro Politics, Newsweek, Nairobi Star, The Australian, The New Zealand Herald, Korea Herald, South China Morning Post, The Nation (Thailand), The Japan Times, The Jerusalem Post, Leadership (Abuja), The Monitor (Kampala), The Namibian, The East African and The Edge Malaysia are some among all. Moreover, BBC and Africa News were highly active in reporting the ongoing international human rights violations

in Sudan as a large proportion of the news gathered through LexisNexis comes from these databases. Also, a high number of reports were available in web-based publications and they are produced by important organs as the United Nations News Service, African Union, the European Union and its institutions, Human Rights Watch, Amnesty International, International Crisis Group, the United Nations Human Rights Council, local Sudanese civil society groups etc.

The news gathered through LexisNexis majorly covered the acts of ethnic cleansing or genocide initiated and carried out by government officials, especially by the President Al Bashir and senior ministers, against African Muslim population in Darfur. This news mostly called for ending impunity of the perpetrators and bringing justice to Darfur. In line with this, in 2009, Africa News described the acts of Bashir's government as genocide by referring to the depopulation of Darfur region from 2.5 million non-Arabic people, Fur, Massalit and Zaghawa, and the replacement of them with Arabs. (Africa News, 2009) Together with the President, one minister –Ahmad Harun – and one Janjaweed militia leader – Ali Kushayb – are also reported among the perpetrators as they are the two implementers of Bashir's Darfur conspiracies, BBC writes. (BBC Monitoring, 2009) In 2008, The International Herald Tribune releases that a highly sophisticated strategy at work combining scorched-earth assaults on ethnic villages of Fur, Massalit and Zaghawa followed by isolation in camps where starvation, illness and rape are used to achieve genocidal aims. (The International Herald Tribune, 2008) Other world-known newspaper, The Daily Telegraph, reports that the acts of killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence were conducted on a widespread and systematic basis, and therefore, amount to crime of genocide. (The Daily Telegraph, 2005) In 2005, another popular newspaper, The Times, writes that prominent figures in the Khartoum regime are accused of instigating a campaign of violence over the past two years that has left more than two million people homeless, more than 180,000 dead and led to the systematic rape of thousands of women and girls. (The Times, 2005) Also, Africa News reports that more than two million people among Darfur's population of six million have been forcefully displaced from their homes since February 2013 as a result of a government-supported campaign of ethnic cleansing carried out in the context of an internal armed conflict. (Africa News, 2005) A letter prepared by Human Rights Watch

to the United Nations Security Council writes that the impunity from prosecution conferred by the Sudanese government upon government officials, military and militia commanders and others is now becoming entrenched, and strongly contributes to the ongoing violence against civilians in Darfur. (Human Rights Watch, 2005) The news also covered the response of international community towards ethnic cleansing in Darfur, as the New York Times, in 2009, states that President Obama pledged strong action to halt genocide in Darfur during his campaign. (The New York Times, 2009) Together with the media coverage on the perpetrators of ethnic cleansing campaign launched in Darfur and the urgent need to end impunity for these people, a high number of news highlighted non-functionality of local courts that are entitled to establish justice in the country. In this regard, The Times writes that in the specialist tribunal set up for prosecuting international crimes committed, only a handful of the lowest rank officials and civilians were judged and the most serious crimes prosecuted were theft of livestock and unlicensed possession of firearms. (The Times, 2006) Moreover, UN News Service undermines that the Government's own special court produced discouraging results, by only dealing with the cases marginal to the events happened in 2003 and 2004. (UN News Service, 2005)

The grave human suffering, especially mass murders, deaths, displacement of the population from Darfur and rape committed by parties to the conflict are also highly covered in famous newspapers of the world between June 1, 2002 and December 31, 2012. In this respect, All Africa reports that Sudanese government officials are responsible for the deaths of 400,000 Darfurians - a scale of killing that former US Secretary of State Colin Powell described as genocide - the flight of three million from their homes, and the rape of countless women and young girls since fighting began in February 2003. (All Africa, 2007) Moreover, in 2005, The Toronto Star presses that an estimated number of 70,000 people died from hunger and disease in Darfur between March and October 2004 as found by World Health Organization. (The Toronto Star, 2005) Another well-known newspaper, The Gazette, writes that more than 180,000 people in Darfur have died from violence, disease and malnutrition over the past two years after Arab Janjaweed militias, backed by the Arab-led government in Khartoum, cracked down on two rebel groups that rose up from the black Sudanese population. (The Gazette, 2005) Furthermore, in 2006, the United Nations News Service covers that

rebel forces are also responsible for war crimes, including murder of civilians and pillage in the villages as they are targeted by Arab-led Sudanese government. (United Nations News Service, 2006) A crucial organization in the conflict occurring in Darfur, Office for the Coordination of Humanitarian Affairs, states that killings are reported everyday throughout Darfur. (Office for the Coordination of Humanitarian Affairs, 2007) Together with mass murder and killing, the crime of displacement of population is also highly mentioned in media reports as Sudan Tribune presses that the government of Sudan forces surrounded the villages, the Air Force dropped bombs indiscriminately and foot soldiers, including Militia/Janjaweed, killed, raped and looted the entire village and forced the displacement of 4 million inhabitants. (Sudan Tribune, 2011) Another popular newspaper, The Irish Times presses in 2007 that 200,000 have died and two million people have fled their homes in Darfur in the four-year conflict between government troops, state backed militias and rebels. (The Irish Times, 2007) All Africa states that two million people forced to leave their homes for internally displaced persons camps and another 235,000 fleeing to refugee camps in neighboring Chad. (Africa News, 2008) Furthermore, in 2005, Human Rights Watch reports almost two million of the displaced persons remaining in camps and towns, entirely dependent upon humanitarian aid, and cannot return to their homes and farms due to ongoing attacks, rape, looting and assault by government-backed militias as well as other armed actors. (Human Rights Watch, 2005) For another widely covered crime in news reports collected through LexisNexis, for the crime of mass rapes, Africa News emphasizes that rape is of epidemic proportions in Sudan's far eastern province, especially carried out by government Arab militias, called Janjaweed, against mostly black African Muslim people from the tribes inhabiting well-watered mountainous areas. (Institute for War & Peace Reporting, 2006) In 2008, an international aid worker described mass rapes taking place in Darfur, by saying that because Janjaweed want more babies to take the land, they committed the act of rape in a systematic and widespread way. (Institute for War & Peace Reporting, 2006) Another popular newsletter, The Times, reports that the main weapons of genocide had been rape and fear as after the rape, Janjaweed militias started looting and burning of the villages. (The Times, 2008)

In the year, 2008-2009, the media coverage to international crimes committed in Sudan increased to 950 in world-wide press, reporting widely the

intensifying insecurity situation both in Darfur and in refugee camps where displaced people located. In this respect, The Christian Science Publishing Society reports that insecurity – especially for the close to 17,000 humanitarian workers bringing aid to some 2.5 million people displaced by the conflict – has never been so acute. (Christian Science Monitor, 2008) Also, in 2009, All Africa writes that corruption erodes the state from the inside out, sickening the justice system until there is no justice to be found, poisoning the police forces until their presence becomes a source of insecurity rather than a source of security. (All Africa, 2009) On the expulsion of 10 non-governmental organizations from Darfur because of increasing insecurity, Mercy Corps President, Nancy Lindborg stressed that this is a devastating blow to the many people of Sudan who rely upon NGOs for both immediate survival and help in building more prosperous and stable futures for their families. (BBC Monitoring Middle East, 2009) By putting high emphasis on the Sudanese government and the Ministry of Humanitarian Affairs as main bodies causing and increasing the large scale insecurity in Darfur and refugee camps, Africa News, in 2009, reports that the government, largely, hinders and obstructs the delivery of humanitarian aid to the internally displaced persons (IDPs), ensures destitution and insecurity within and around the IDP camps and psychologically abuses the IDPs. (Africa News, 2009)

Another source of news coverage to Sudan gathered through LexisNexis, the web-based publications as well, widely published influential reports pointing to ongoing conflict situation in Sudan and the measures to be taken for the protection of civilians. These reports are produced by crucial international organizations and civil society groups operationalized around the world, shaping, to the large extent, the agenda of international community towards the episodes in Darfur. In this respect, the African Union has engaged with Sudanese authorities in a mediation process aimed at finding a political solution to the Darfur conflict. Also, the institutions of the European Union have been key players in the conflict, especially Council of the European Union. The Council always reiterated its support for international community to end impunity for atrocities committed in Darfur. (Council of the European Union, 2007) Moreover, European Parliament (EP) passed a resolution in 2008, asking the General Affairs and External Relations Council of 16-17 June 2008 as well as the European Council of 19-20 June 2008 to discuss the targeted EU punitive measures against a clearly identified

group of Sudanese officials bearing responsibility for the country's intense internal war. (European Parliament, 2008) In 2013, the Minister of the European Parliament, Barbara Lochbihler, wrote a letter about Al Bashir's visit to Chad and urged the President and Chad to immediately cooperate with international community for the prosecution of crimes against humanity, war crimes and crime of genocide. (Coalition for the International Criminal Court, 2013) Among civil society organizations largely effective in reporting the Darfur conflict, in 2006, through a joint letter to the members of the Security Council, Human Rights Watch and International Crisis Group called for taking appropriate steps to bolster the existing African Union force in Darfur, through the deployment of additional personnel, equipment, logistical support, funding and other resources from national and multilateral forces, including NATO and the European Union. (Human Rights Watch & International Crisis Group, 2006) In 2007, another non-governmental organization, Citizens for Global Solutions, declared that the United States should find concerted ways to complete the efforts of international community in resolving humanitarian crisis in Darfur. (Citizens for Global Solutions, 2007) In 2009, International Center for Transitional Justice wrote that alternative mechanisms should be invented by local authorities of Sudan to bring the criminals in front of justice and to destroy impunity of the Sudanese government officials. (International Center for Transitional Justice, 2009) The amount of press releases by non-governmental organizations increased in 2011 and 2012 as Enough Project, United to End Genocide, Amnesty International, Save Darfur, South Sudanese Civil Society Organizations, International Justice Project and African Commission were pressing more harshly for the protection of civilians, the establishment of justice and more active Security Council in Darfur. In 2013, No Peace without Justice has been added to these bodies, urging Chad to withdrawal its support to President Al Bashir. (No Peace Without Justice, 2013) As the result, the reports prepared by international and civil society organizations were highly influential in shaping the agenda of international community towards the episodes in Sudan; thus, international pressure to Darfur conflict is high in this respect.

At the end of high media coverage to international crimes committed in the context of internal war and wide international pressure addressing the following humanitarian crisis in Darfur, the International Criminal Court took the case for formal investigation officially on 6 June 2005. Because the media and international

organizations, to the large extent, drew attention to the crime of genocide committed by government officials and its police force, together with mass rapes, mass murders, attack to civilians and displacement of population, the ICC focused on the prosecution of these crimes under Article 7 and Article 8 of the Rome Statute. Moreover, the media's underlying of the Sudanese President, senior government officials and Janjaweed leaders as the most responsible people for the atrocities in Darfur and called for urgently ending impunity for them, the Court issued all arrest warrants against these people, which is the first instance in the history of the International Criminal Court.

5.3. Democratic Republic of Congo (DRC)

Congo, which is a vast country located in central Africa, is economically one of the most resource rich countries in the world. It contains two thirds of the world's remaining rainforests, and vast mineral wealth including cobalt, coltan (used in cell phones and other high tech equipment, Congo is home to 80% of the world's coltan reserves), copper, cadmium, petroleum, diamonds, gold, silver, zinc, manganese, tin, germanium, uranium, radium, bauxite, iron ore, and coal. (Heal Africa, 2011) According to the United Nations, Congo hosts approximately 250 ethnic groups within its borders. Because of the multiplicity of ethnic groups, there are many local languages and dialects spoken in Congo. However, French, Lingala, Kiswahili, Kikongo and Tshiluba are used widespread; thus, they are the main spoken languages of Democratic Republic of Congo.

The history of the conflict in Congo traces back to 1990s, the period when the 1994 genocide happened in Rwanda and the following 1997 coup overthrew Mobutu in Congo. During Mobutu's dictatorship, the country was named Zaire and he used the natural resources of the country for his own personal gain, such as building palaces for himself in every province. In 1997, when neighboring Rwanda invaded Congo to flush out extremist Hutu militias, it gave a boost to the anti-Mobutu rebels, who quickly captured the capital, Kinshasa, installed Laurent Kabila as president and renamed the country Democratic Republic of Congo. (BBC News Africa, 2013) The existing ethnic and political tensions are enforced by the coup as it led to a full-scale war, because of the warlords' competition over oil and natural resources. Especially, Rwanda has a significant role in the 1997 conflict because the mining contracts were

promised for his help to topple down Mobutu. However, these promises were not kept by Kabila and Congo also harbored the perpetrators of the 1994 Rwanda Genocide. These two facts turned Rwanda into the most active player in domestic conflict ongoing in DRC. Despite the signing of a formal peace agreement in December 2002, fighting and violence have continued in eastern provinces of DRC, especially in Ituri and Kivu regions, because foreign troops delayed their withdrawal from the east until 2006 where they continued to plunder the region's resources. (Heal Africa, 2011) Between 2002 and 2008, the conflict between Hemas and Lendus, escalated in east where the number of rebel groups and Rwandan militias multiplied. In early 2013, with the aim of ending the rebellion of Congolese Revolutionary Army in eastern areas, the United Nations made a regional agreement and the leader of Congolese Revolutionary Army, Bosco Ntaganda, submitted himself to The Hague. Today, the conflict in Congo still continues violently because it involves many armed groups, at least two regional countries (Uganda and Rwanda), precious minerals, ethnic animosity between Hemas and Lendus and supporting businesses from Asia, Europe and North America.

Following years of economic and political decline, the war of 1998-2002 led to extreme violence, massive population displacement, widespread rape, and the collapse of public health services. Moreover, an estimated 5.4 million people have died as the consequence of war and its lingering effects since 1998. (International Rescue Committee, 2007) The United Nations reported that 45,000 people continue to die every month in Congo as related to civil war. The children under the age of 5 have constituted the majority of people died. Over 1.2 million people have been displaced by the fighting and now live in camps formed around the city of Goma. (Heal Africa, 2011) Mortality rates remain unacceptably high across Congo, with the national rate almost 60% higher than the average for sub-Saharan Africa. (International Rescue Committee, 2007) The majority of population has actually died from non-violent causes like malaria, diarrhea, pneumonia and malnutrition. Moreover, there are more than 10,000 child soldiers whose substantial numbers are under the age of 12. According to Human Development Index of the United Nations Development Programme, Congo's value for 2012 is 0.304—in the low human development category—positioning the country at 186 out of 187 countries. (Human Development Indicators, 2013)

699 news reporting are collected through LexisNexis for the ongoing situation in Democratic Republic of Congo. The number implicates that among other cases in the study the episodes in DRC appeared at medium level in media through the coverage of various channels. In this respect, the news coverage gathered for DRC consists categorically of sizable range of sources as newsletters, newspapers, web-based publications or reports, news transcripts and magazines & journals. Most of the newspapers, newsletters and magazines published in Europe, the United States, Africa and Far East drew some attention to international crimes committed in Democratic Republic of Congo: The Times, The Guardian, The New York Times, The Daily Telegraph, The Globe and Mail, The Independent, The Irish Times, The Washington Post, New Vision (Kampala), The Australian, The Toronto Star, The New Zealand Herald, The Nation (Thailand), South China Morning Post are some among all. Moreover, BBC and Africa News were almost active in reporting ongoing international human rights violations happened in DRC as high proportion of the news gathered through LexisNexis comes from these databases. Also, the reports and web-based publications produced by main organs as the United Nations News Service, the European Union and its institutions, Human Rights Watch, Amnesty International, International Crisis Group, and some local Congolese civil society groups were almost influential in shaping the agenda of international community addressing the ongoing conflict situation in DRC.

The news coverage gathered through LexisNexis for ongoing situation in DRC draws high attention to the widespread conscription and enlistment of children under the age of 15 and the role of child soldiers in the conflict of Democratic Republic of Congo. Most of this news widely covered the situation of child soldiers and their active use by various armed groups in the country. In this respect, Africa News, in 2003, writes that in the DRC, all armed groups use child soldiers, recruited either forcefully or through the lure of escaping abject poverty. (Africa News, 2003) Julia Freedson, the director of the New York-based Watchlist on Children and Armed Conflict, says that the recruitment and use of children by many armed groups in the Democratic Republic of Congo has been extremely widespread and well-documented. (Watchlist on Children and Armed Conflict, 2006) In 2006, one of the main bodies on the protection of children in the world, UNICEF, presses that up to 300,000 children globally are being used by

armed rebel groups and in military forces in a variety of roles, including as combatants, cooks, porters, messengers, spies and for sexual purposes. (UNICEF, 2006) Also, according to the reporting of The Guardian, aid agencies estimate that 300,000 children were recruited by armed groups during conflicts that consumed the Democratic Republic of Congo after 1996. (The Guardian, 2009) Among the rebel groups conscripted the children, the news gathered shows widely that the Union of Congolese Patriots and its armed wing, the Patriotic Forces for the Liberation of Congo, took the lead. Especially, the leader of these two armed groups, Thomas Dyilo Lubanga is reported to be the most responsible person for the conscription of children and for the crimes committed by them. In this regard, in 2007, Canberra Times writes that Thomas Dyilo Lubanga, whose militia, the Union of Congolese Patriots, known by its French acronym UPC, and its armed wing, the FPLC, seized children off the streets and thrust them into camps where they were brainwashed and armed before being set on the rival ethnic groups in a campaign of rape and murder during an 18-month period of a tribal war between 1999 and 2003. (Canberra Times, 2007) In 2010, All Africa reports the words of a young child soldier who was closest to Lubanga, saying that Thomas Lubanga told him that soldiers should be in possession of all and sundry, that is to say women, vehicles, cows; that everything belongs to them. The child goes on by telling that Lubanga also told them that after the war they would have a better life. (All Africa, 2010) Moreover, The Independent writes that Mr. Lubanga forcibly recruited young children, trained them in military camps, and pitched them into a ferocious ethnic war in Ituri region in northeastern Congo that cost the lives of at least 60,000 civilians. (The Independent, 2007) According to human rights organizations, at the height of the fighting, Lubanga had 3,000 child soldiers between the ages of 8 and 15. (The Irish Times, 2006) Another known newsletter, Africa News covers that being the president of Ituri-based UPC and of the founder of its military wing, FLPC, Lubanga had ultimate control of the policies and practices of these armed groups, including the enlisting and conscription of young children. (Africa News, 2006) In 2009, Institute for War & Peace Reporting presses that UPC takes the children at their early ages, like the age of 5, to make them tough soldiers as they grow up. (Institute for War & Peace Reporting, 2009) Together with the contribution of UPC and FPLC to the conflict, including the leader of these groups, Lubanga, a high number of the news gathered through LexisNexis also focused widely on the role of Lubanga's top commanders in internal war, especially of

Bosco Ntaganda. In this respect, Africa News reported that Ntaganda provided arms to the militia, organized transport to battle zones, and gave orders to lower rank commanders. (Africa News, 2009) In 2009, The Globe and Mail announces Bosco Ntaganda as one of the worst war criminals in central Africa, known with the nickname, the Terminator. (The Globe and Mail, 2009) Also, Human Rights Watch writes that Ntaganda was also allegedly in command of combatants who arrested, tortured, or killed hundreds of civilians in Ituri between August 2002 and March 2003 together with the killing of a Kenya UN peacekeeper and kidnapping of a Moroccan peacekeeper. (Human Rights Watch, 2010) Another source, All Africa writes that Lubanga headed up the political wing, the Union des Patriotes Congolais (UPC), and Ntaganda led the military wing, the Forces Patriotiques pour la Liberation du Congo (FPLC). (All Africa, 2010)

Additionally, most of the news reporting collected through LexisNexis, focused largely on the consequences of the conscription of children into armed conflicts for the country and for the children themselves. In this regard, The United Nations reports that as the result of the conscription of children into the armed groups, about 25,000 and 50,000 child refugees, war orphans and child sorcerers are roaming the streets, making money in various daytime activities, though they may return to their families at the end of the day. (United Nations, 2003) In 2009, National Post states that some of the children were now using drugs, some had become prostitutes, and others were jobless. (National Post, 2009) Christian Science Monitor reports that some 50,000 people are thought to have been killed in the conflict by child soldiers and child combatants make up 40% of forces carrying arms. (Christian Science Monitor, 2009) Also, BBC Monitoring Africa covers that different crimes committed by several armed groups composing majorly of child soldiers in Ituri region, in the northeast where, based on the United Nations estimates between 1999 and 2004, some 50,000 people were killed and over a half million displaced. (BBC Monitor in Africa, 2006) In 2011, Amnesty reported that at least 11,000 children are still with armed groups and unaccounted for, remaining a reservoir of firepower for armed forces primed to resume hostilities. (Amnesty International, 2006) Moreover, because of the fighting, of about 400 health centers in the Ituri region, 212 have been closed and 200 schools have been destroyed. (United Nations, 2003)

The news gathered through LexisNexis on the situation in Democratic Republic of Congo widely focused on ongoing humanitarian crisis, especially displacement of the population or refugees, deaths and rapes as well. In this respect, The United Nations writes that according to the Office of the Coordination of Humanitarian Affairs, there are between 500,000 and 600,000 displaced persons scattered throughout the region. (United Nations, 2003) In 2012, Africa News covers that the as the result of attack to Goma, a crucial town for the conflict, thousands of people fled the town and the surrounding refugee camps. (Africa News, 2012) The International Herald Tribune presses that fighting between the rebels and the Congolese government has left an untold number dead, and more than 10,000 refugees have crossed into Rwanda and Uganda. (The International Herald Tribune, 2012) According to the 2012 report of Human Rights Watch, the UN estimates that 45,000 people were displaced by the fighting in Masisi, Rutshuru, and Nyiragongo territories since early April, including some 8,000 refugees who crossed the border to Rwanda. (Human Rights Watch, 2012) Another popular newspaper, The Guardian, states that according to the UN figures, the number of internally displaced people in North Kivu province declined from 1.1 million in last July to 709,000 by the end of December as the result of officially ending the conflict in DRC. (The Guardian, 2010) In 2012, the UN Refugee Agency presses that as of 1 February, some 89,949 Congolese refugees were living in Uganda. (UN Integrated Regional Information Networks, 2012) Together with displacement of the people and refugees, deaths and casualties are also reported in high numbers in news coverage collected through LexisNexis. In this regard, in 2006, Human Rights Watch states that as the conflict spiraled and armed groups multiplied, more than 60,000 civilians were slaughtered in Ituri, according to the United Nations. (Human Rights Watch, 2006) Christian Science Monitor writes that during the war in Congo, from 1998 to 2003, 4 million people died from violence as well as war-related hunger and disease. (Christian Science Monitor, 2007) Moreover, The Irish Time states that four million people perished during the 1998-2003 Congo conflict, known as Africa's First World War with the involvement of six countries in the Congo crisis, arming militias and fuelling killings. (The Irish Times, 2006) In 2012, Human Rights Watch writes that the fighters from many armed groups with machetes and knives hacked to death dozens of civilians, including numerous children. (Human Rights Watch, 2012) Together with displacement of population and deaths, the issue of mass rape is widely covered in news collected

through LexisNexis as well. In this regard, Africa News reports that there are many consequences arising from the acts of violence committed by armed groups in DRC, including sexual stigmatization of the victims and the dislocation of households, HIV/AIDS infection and other STDs [Sexually Transmitted Diseases], fear of men in uniform and trauma, disgust, suicide, death, the feeling of revulsion, anger, revenge, physical, sexual and moral handicaps, and increased poverty and misery. (Africa News, 2011) In 2004, Inter Press Service writes that women have been gang-raped and their reproductive organs are mutilated. (Inter Press Service, 2004) Another known newspaper, The Independent, covers that high incidence of rape and the systematic use of mass rape against the Congolese pygmy population constitute a crime against humanity. (The Independent, 2004) In line with this coverage, Human Rights Watch reported in 2003 that combatants in Ituri region committed violent acts against rival ethnic groups, including mass and systematic rape of children and women, torture and summary execution of political opponents and mutilation of bodies. (Human Rights Watch, 2003) In 2004, The New York Times presses that rape was a constant danger in Democratic Republic of Congo even for old women. (The New York Times, 2004)

A high number of news coverage collected through LexisNexis for the situation in Democratic Republic of Congo underlines the competition over minerals among many armed groups as well as neighboring countries and focuses on the effect of this competition over internal conflict of DRC. In this respect, the United Nations reports that because access to and control of key mineral resources such as diamonds, copper, cobalt, coltan and gold was one of the main causes of civil war in the DRC, the parliament condemned the illegal exploitation of the DRC's natural resources by its neighbors as well as by private international companies. (UN Integrated Regional Information Networks, 2003) In 2003, National Post writes that the UN experts accused Rwanda, Uganda and Burundi, which has supplied three of the foreign armies in DRC, of exporting minerals they had taken from areas they controlled in eastern Congo. (National Post, 2003) As the consequence of extracting resources from DRC, in 2007, Human Rights Watch presses that according to official Ugandan export figures, gold exports from the country are significant, accounting for 84 per cent of total mineral exports in 2001 even though domestic gold extraction is negligible and the origin of this gold is Ituri region. (Africa News, 2007) Furthermore, The Guardian writes that the aim

of Thomas Lubanga is to control the mineral-rich Ituri region. (The Guardian, 2007) On the same issue, Weekend Australian covers the words of Lubanga, saying he was fighting to prevent rebels and foreign fighters from plundering the vast mineral wealth of the DRC's eastern Ituri region. (Weekend Australian, 2009) Also, for the top commander of FPLC, Bosco Ntaganda, Human Rights Watch states that he is repeatedly accused of involvement in illegal mineral smuggling by a UN Group of Experts investigating illegal arms trafficking and natural resource exploitation and he has been on a UN sanctions list since 2005. (Human Rights Watch, 2012)

Another source of news coverage to Democratic Republic of Congo gathered through LexisNexis, the web-based publications as well published influential reports prepared by a number of international organizations, including the United Nations, the European Union and its institutions and civil society groups as Amnesty International, Human Rights Watch and International Crisis Group pointing to ongoing situation in the country. In this respect, the European Union and its institutions, the United Nations Security Council and Inter-American Commission on Human Rights took action to end violence in the country. In 2008, on behalf of the President, the Security Council reiterated its strong support to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in restoring peace in the Kivu region and ensuring the protection of civilians. (United Nations Security Council, 2008) In 2009, Council of the European Union adopted 13 conclusions to bring peace in the Great Lakes region. (Council of the European Union, 2009) Moreover, Organization of American States urged the states in the region to ratify the Optional Protocol to the United Nations Convention on the Rights of the Child about the involvement of children in armed conflicts. (Organization of American States, 2012) In 2013, the European Union High Representative, Catherine Ashton, re-declared the Union's support to end impunity by welcoming the transfer of Ntaganda to The Hague. (European External Action Service, 2013) In 2008, Human Rights Watch called the Security Council for increasing the number of peacekeepers in the region to help the protection of civilians following renewed attacks by the Lord's Resistance Army (LRA). (Human Rights Watch, 2008) Also, Women's Initiative for Gender Justice indicated that sexual violence appeared to be an integral component of the attacks against the civilians by providing the material suggesting a pattern of rape, abduction, sexual slavery and

torture by Union of Congolese Patriots. (Inder, 2011) In an open letter to the President, Kabile, Amnesty International called for reforming national judicial system for the benefit of victims. (Amnesty International, 2011) In 2011, Enough Project reported that economic issues related to the illegal exploitation of minerals could unlock the door to progress and hasten peace in Congo. (Enough Project, 2011) Furthermore, the reports published in 2012, by Citizens for Global Solutions, International Crisis Group, Open Society Justice Initiative and International Refugee Rights Initiative mostly wrote about the escalation of violence in Eastern Congo. (Citizens for Global Solutions, 2012; International Crisis Group, 2012; Open Society Foundations, 2012; International Refugee Rights Initiative, 2012) As the result, the web-based publications or reports produced by a number of international and civil society organizations for Democratic Republic of Congo were virtually influential in shaping the agenda of international community towards the situation in the country; thus, international pressure to the episodes occurred in Democratic Republic of Congo is medium in this respect.

At the end of medium media coverage to international crimes committed in the context of internal war and average international pressure addressing the following humanitarian crisis in Democratic Republic of Congo, the International Criminal Court took the case for formal investigation officially on June 23, 2004. Because the media and international organizations, to the large extent, drew attention to the crime of child soldiers committed by rebel groups, especially UPC and FPLC, together with mass rapes, murders, and displacement of population, the ICC focused on the prosecution of these crimes under Article 7 and Article 8 of the Rome Statute. Moreover, the media's underlying of the founder of UPC and FPLC, Thomas Lubanga Dyilo and of military leader, Bosco Ntaganda, together with other senior combatants in two armed groups as the most responsible people for the atrocities in Democratic Republic of Congo and called for ending impunity of these people, the Court issued all arrest warrants against them.

5.4. Iraq

Iraq is a country located in Western Asia, encircling Mesopotamian plain and hosting two major rivers, the Tigris and Euphrates. Iraq borders the Persian Gulf, placed between Kuwait and Iran. In the north of Iraq, the Kurdish community created an

autonomous region. The major languages spoken are Arabic and Kurdish. The main ethnic groups are Iraqi or Mesopotamian Arabs (70%) and Kurds (15%). Together with these groups, there are ethnicities consisting of small numbers as Turkmens, Persians and Assyrians.

The September 11 attacks to the twin towers of World Trade Center in New York City led the United States to commence a global War on Terror around the world. The attacks were owned by the Islamic terrorist group, Al-Qaeda. In this sense, the goals of War on Terror determined by Bush administration were to bring mainly Bin Laden and Al-Qaeda to justice, including Saddam Hussein. In fact, the aim of the United States was to get rid of Hussein's regime in Iraq as it threatened the survival of the U.S. hegemony in the region. As the justification for the intervention to Iraq, Bush administration used weapons of mass destruction allegedly claimed to be in the hands of the President Hussein. The intervention was not approved by the United Nations Security Council and most of the world, especially the European states, doubted the legality of the war and the presence of weapons of mass destruction claimed to be in the hands of Iraq. Sooner or later, the players of international politics, European and Balkan countries as well, found themselves in the intervention plan of the United States through the participation to the Coalition forces. In this respect, military operations to Iraq began on March 20, 2003 with the occupation of a multinational force led by the United States and the United Kingdom. This multinational force consisted of 48 countries around the world, mainly including Australia and Poland. Most of them were the members of NATO, together with non-members and small independent islands. There was no declaration of war by the United States before the invasion to Iraq. The 2003 invasion quickly led to the occupation of the country by the Coalition forces and the capture of President Hussein. The international violence resulted in Iraqi insurgency, targeted the Coalition armies and national Iraqi security forces. The insurgency turned into the civil war between 2006 and 2008 with the enforcement of the fighting between sectarian groups, Iraqi Sunnis and Shi'as. Iraq is still in chaos, dealing with grave human suffering and the reconstruction of the country after the intervention of the United States.

Even though Iraq is rich in oil and petrol reserves, after a history of intervention by the West, its oil wealth is gathered in the hands of foreign powers. Thus,

the country could not develop economically as most of the Iraqis stayed farmers or landless peasants. Forty-three percent of Iraqis are in "absolute poverty", partly because of the unemployment rate of 50 percent. (Steele, 2007) According to the most recent World Development Indicators, infant mortality remains above the average in the Middle East and North Africa, while Iraqis' life expectancy has declined by three years over the past three decades. (Sargsyan, 2012) There was only one doctor for every 6,000 people. (Everest, 2005) Fewer people have access to clean water and 80% of the public have no access to effective sanitation, a figure comparable to sub-Saharan Africa. (Loyn, 2007) In 2007, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimated that total number of refugees increased to approximately 4.7 million and over three million Iraqis are currently internally displaced or have left Iraq. (Harper, 2007) According to public information, the number of missing Iraqis is between 375,000 and 1,000,000 in the period, 1980 and 2003. (International Committee of Red Cross, 2008) According to Save The Children, children have been affected most by the invasion as they continue to suffer from trauma of war, and the access to education has been severely constrained. (Save The Children, 2012)

406 news reporting are collected in LexisNexis for the situation in Iraq. The number implicates that among other cases in the study the episodes in Iraq appeared at low level in press. In this respect, the news coverage gathered for Iraq consists categorically of a small range of sources as newspapers, newsletters, web-based publications or reports, and magazines & journals. A number of newspapers, newsletters and magazines published in Europe, the United States, Africa and Far East wrote about the Iraq intervention; however, their attention to the episodes and the following humanitarian crisis emerged in the country was scarce: The Independent, The Guardian, The Times, The Washington Post, The Daily Telegraph, The New York Times, The Irish Times, The Washington Times, The Globe and Mail, The Jerusalem Post, The New Zealand, The Japan Times and Korea Times are some among all. Moreover, BBC Monitoring, Africa News and Baltic News Service published a small number of coverage on international crimes committed by Coalition forces, especially by the United States and the United Kingdom. Moreover, a few reports are available in web-based publications, produced by a limited number of organizations operating around the world as the United Nations High Commissioner for Refugees, African

Union, Human Rights Watch, Amnesty International, Office for the Coordination of Humanitarian Assistance and Oxfam International.

The news coverage gathered through LexisNexis for ongoing situation in Iraq drew high attention to the legality of intervention to Iraq or in the words of international law, on crime of aggression. In 2003, The Washington Post writes that the U.S. & the U.K. invasion of Iraq violate the United Nations Charter, the Geneva Convention, The Hague Convention and the International Criminal Court's statute; thus, the intervention is illegal. (The Washington Post, 2003) Belfast News Letter covers the letter sent to Tony Blair by two Ulster lawyers, writing the use of force against Iraq without the approval of the Security Council would be in breach of international law. Moreover, the use of force against Iraq amounts to a crime of aggression under the Statute of the International Criminal Court. (Belfast News Letter, 2003) In 2002, another popular newspaper, The Times, reports that for the Coalition forces to be lawful, it must be authorized by the UN Security Council Resolution and focus on the threat; that it must attack only the supposed centers of manufacture of weapons of mass destruction. Hence, the Coalition force is unlawful. (The Times, 2002) In 2005, The Guardian covers that the UK government acted unlawfully by ordering the British soldiers horribly to detain and mistreat Iraqi civilians and target cluster munitions on urban areas. (The Guardian, 2005) Also, The New Zealand Herald presses the words of the UN Secretary-General Kofi Annan, saying that the war on Iraq was not legal and the invasion in 2003 went ahead despite the absence of the UN resolutions endorsing the use of force. (The New Zealand Herald, 2005) In 2010, The Times states that the world leaders of the US and the UK could face prosecution because of crime of aggression and the first body to determine whether state aggression had taken place is the Security Council. (The Times, 2010) Moreover, in 2012, Africa News defined the intervention to Iraq a crime of aggression as the attack was without justification and fought for a purpose other than self-defense. (Africa News, 2012)

Together with the legality of the war, a high number of news collected through LexisNexis for Iraq focused widely on crimes against humanity and war crimes as well committed during the intervention by the soldiers of the Coalition forces, especially murder and willful killing, attack to civilians, inhuman treatment of prisoners and torture. In this respect, in 2003, The Gazette writes the words of Canadian Liberal

Minister of Parliament, Irwin Cotler, saying that there is abundant evidence with identifiable people that can be brought to justice for the worst crimes against humanity and war crimes committed in Iraq in the context of intervention. (The Gazette, 2003) In 2005, The Australian reports the words of Nobel literature laureate, Harold Pinter, saying that “We have brought torture, cluster bombs, depleted uranium, and innumerable acts of random murder, misery, degradation and death to Iraqi people.” (The Australian, 2005) The crimes of murder and willful killing appeared largely in media as the soldiers of the U.S. and U.K. were blamed mainly for the intentional death of several Iraqi civilians. In this regard, The Sunday Herald writes that the commanding officer of the 1st Cheshire Regiment of the UK admitted his soldiers shot and killed more than 150 Iraqis in Basra last year. Another popular newspaper, The Daily Telegraph, states that four British servicemen are charged with the manslaughter of Ahmad Kareem, a suspected looter in Basra, who is said to have been punched and kicked before being forced into a canal where unable to swim, he drowned. Also, the newspaper writes that seven other British servicemen are accused of inhuman treatment of civilians, especially for the death in Army custody of Baha Mousa, 26, a hotel receptionist arrested in Basra in 2003. (The Daily Telegraph, 2005) Moreover, in 2012, Africa News covers that the attack on Iraq caused the death of between 100,000 and a million people, and ranks among the greatest crimes the world has ever seen. (Africa News, 2012) Together with the crimes of murder and willful killing, the attack to civilians was one of the main human rights violations as well committed by the Coalition forces during the intervention. In this respect, in 2004, Western Daily Press reports that bomb attacks brought carnage to Iraq, killing at least 170 worshippers celebrating a Shiite Muslim holy festival. (Western Daily Press, 2004) In 2005, Independent on Sunday covers the claims of war crimes by bereaved families of British soldiers, saying that British troops were unlawfully ordered to use cluster bombs near civilian areas and destroy essential power supplies which affected hospitals and water resources. (Independent on Sunday, 2005) (The Sunday Herald, 2005) Moreover, The Washington Times presses the report prepared by Peacerights, reporting that the British military’s use of cluster munitions during combat with Iraqi forces had killed civilians and constituted a war crime. (The Washington Times, 2004) In 2004, The Guardian reports that the US attacks resulted in the death of journalists: on the offices of the Arab satellite network, al-Jazeera, in Baghdad and on the Palestine hotel in Baghdad, where

journalists are staying. (The Guardian, 2004) A large number of news also highlights inhuman treatment of prisoners and torture by the Coalition forces in Iraq, including widely violence against the detainees and systematic abuse of prisoners. In this respect, Birmingham Evening Mail covers that three British servicemen have been charged with war crimes over 'inhuman treatment of prisoners' in Iraq. Moreover, in total, 11 servicemen – including a highly decorated colonel – face charges in connection with two dead Iraqi detainees. (Birmingham Evening Mail, 2005) In 2006, The International Herald Tribune writes the words of Mr. Bevan, the British prosecution lawyer, saying that British martial court is dealing with systematic abuse against Iraqi prisoners involving unacceptable violence against persons who were detained in custody, hooded and cuffed and wholly unable to protect them over a very long period of time, including the case Baha Mousa. (The International Herald Tribune, 2006) In 2010, The Washington Times states that Wiki Leaks revealed 400,000 documents of war crimes and egregious human rights abuses in Iraq, committed by the forces of Prime Minister of Iraq, Nouri al-Maliki, including looting, killing, torture and rape of his fellow civilians. Also, the newspaper writes that the US authorities committed a serious breach of international law when they summarily handed over thousands of detainees to Iraqi security forces, who, they knew, were continuing to torture and abuse detainees on a truly shocking scale. (The Washington Times, 2010) Moreover, in 2004, on the issue of the abuse of Abu Ghraib prison, The Independent states that documents released in Washington set out harsh interrogation techniques for terrorist and enemy prisoners, including stripping prisoners naked, placing them in hoods and using dogs to terrify them that are approved by the White House before apparently being revoked in April 2003. (The Independent, 2004)

Another source of news coverage gained through LexisNexis, web-based publications or reports, includes a small number of coverage published in media for ongoing situation in Iraq only by a limited number of international organizations. In this regard, Office for the Coordination of Human Affairs, United Nations High Commissioner for Refugees, Relief Web Iraq, Agency for International Development, Office of Food for Peace, Office of Humanitarian Assistance and Disaster Relief & Mine Action have worked decidedly to address the humanitarian crisis in Iraq by producing regular reports and calling for immediate action. (Coipuram, 2003)

Moreover, Human Rights Watch, Doctors without Borders, International Committee of the Red Cross, Oxfam International, Mercy Corps International, Physicians for Human Rights and Care have sought to alleviate the damage occurred as the result of the intervention by dedicatedly demanding urgent help for the Iraqi people in all around the world and inviting the governments to devise policies addressing grave human suffering in Iraq. Furthermore, in 2011, Iraqi National Commission for the ICC called for the government to accede to Rome Statute. (Iraqi National Commission for the ICC, 2011) Also, Amnesty International has drawn attention mostly to torture, inhuman treatment of detainees by Coalition forces and attacks to civilians by the soldiers of Coalition forces. As the result, the reports prepared by international and civil society organizations were not all that influential in shaping the agenda of international community towards the episodes in Iraq; thus, international pressure to Iraq conflict is low in this respect.

At the end of media's low coverage to international crimes committed by the Coalition forces during the intervention and the following humanitarian crisis in Iraq, the International Criminal Court rejected to take the Iraq case for formal investigation on February 9, 2006. For the crime of aggression, the Court announced that it does not have a mandate to address the arguments on the legality of the use of force as the conditions for the identification of crime of aggression is not defined in Rome Statute of the ICC. With regards to the allegations of war crimes and crimes against humanity committed by the Coalition forces of the U.S and U.K., the Court made public that the available information does not support a reasonable basis for willful killing or intentional murder, attack to civilians, inhuman treatment of prisoners and systematic torture against detainees. Moreover, although the ones accused of war crimes and crimes against humanity were the nationals of the United States and the United Kingdom, the Court does not have the legal power to judge them as the U.S. has not ratified the Rome Statute and the U.K., despite ratification, prohibits the prosecution of his nationals in any international court.

5.5. Conclusion

The researcher, in each of three cases, focuses on 5 keywords, referring to ongoing situations in three countries and identifying the crucial elements of the conflicts

in Darfur, Democratic Republic of Congo and Iraq. By doing so, the study conducts a deep analysis of news coverage available in media for 5 keywords defining the situation of international crimes committed in three countries. In this respect, international crimes defining the situation in Darfur are genocide or ethnic cleansing, mass murder, death, displacement of the population and mass rape. These keywords are highly covered in media as the number of news reporting for them is 2094. The widespread conscription and enlistment of children under the age of 15, displacement of the population or refugees, deaths, rapes and competition over minerals by many armed groups are the keywords identifying the situation in Democratic Republic of Congo. They are reported in media at medium level, as the number of media coverage to them is 699. With respect to Iraq, legality of the conflict or crime of aggression, murder or willful killing, attack to civilians, inhuman treatment of prisoners and torture are the keywords referring to ongoing situation in Iraq. These keywords are covered at low level in media as the number of media reporting for them is 406. As the study proposes, there is a positive relationship between the level of media coverage to the case and case-selection decisions of the Court. The analysis supports this logic by revealing that the cases received higher levels of media coverage in LexisNexis – Sudan and Democratic Republic of Congo – are taken for formal investigation by the Court whereas the cases received media coverage at low level in LexisNexis – Iraq in this study – is rejected. As a consequence, the central proposition of the study is supported by the findings arrived at the end of analysis of media coverage to three cases.²

² For the summaries of cases, please see Table 2 at the end of Case Studies Chapter.

Table 2: Summaries of Cases in the Sample

| Country | Type of Conflict | Parties to Conflict | Crimes Referred to ICC | Type of Crime | Type of Case |
|----------------------|---|--|--|--|-----------------------|
| Sudan | Ethnic Conflict | Government Forces, Government-Supported Militia (Janjaweed) and Rebel Groups | Crimes committed in Sudan since 2003, especially by government forces of Sudan: ethnic cleansing or genocide; systematic attack to civilians; mass rape; mass murder and displacement of the population. | <ul style="list-style-type: none"> • Crimes Against Humanity • War Crimes • Genocide (by Government Forces) | Ongoing Investigation |
| Cote D'Ivoire | Post-electoral violence, including ethnic tension between North and South | Government Forces, Rebel Groups and Neighboring States | Crimes committed between September 2002 and 2010, especially crimes after the disputed presidential election of November 28, 2010. | <ul style="list-style-type: none"> • Crimes Against Humanity | Ongoing Investigation |
| Libya | Political and military violence by state forces | The President, Government Forces, National Army and Rebel Groups | Crimes in the Libyan Arab Jamahiriya since February 15, 2011: especially violence and the use of force against civilians organized at highest levels of the government. | <ul style="list-style-type: none"> • Crimes Against Humanity • War Crimes | Ongoing Investigation |

| Country | Who Referred and When | Named Violators/Perpetrators | Stage of Prosecution | Verdict | Punishment |
|----------------------|--|---|--|--|------------|
| Sudan | United Nations Security Council, through Resolution 1593, on March 31, 2005 <i>(first UNSC referral)</i> | <ul style="list-style-type: none"> • Government Officials: Omar Hassan Ahmad Al Bashir, Ahmad Harun, Abdel Raheem Muhammed Hussein • Janjaweed Leaders: Ali Kushayb • Rebel Group Leaders: Bahar Idriss Abu Garda, Abaker Nourain, Jerba Jamus | <ul style="list-style-type: none"> • Pre-Trial • Trial in the case of Abaker Nourain and Jerbo Jamus | Bahar Idriss Abu Garda case refused to be forwarded to trial by Pre-Trial Chamber I. | No |
| Cote D'Ivoire | Through propriou motu power of the Prosecutor – Date of authorization for investigation: October 3, 2011 <i>(second time the Prosecutor is using his propriou motu power)</i> | Government Leaders <ul style="list-style-type: none"> • Laurent Gbagba • Simone Gbagba | Pre-Trial | No | No |
| Libya | United Nations Security Council, through Resolution 1970, on February 27, 2011 <i>(second UNSC referral)</i> | President, Government Officials and National Army Leaders: <ul style="list-style-type: none"> • Muammer Gaddafi • Abdullah Al-Senussi • Saif Al Islam Gaddafi | Pre-Trial | No | No |

| Country | Type of Conflict | Parties to Conflict | Crimes Referred to ICC | Type of Crime | Type of Case |
|---------------------------------|--|--|---|---|-----------------------|
| Central African Republic | Political instability, peaked in 2002-2003 armed conflict, especially after military coup. | Government Forces, Militia and Rebel Groups | Crimes committed in 2002-2003 armed conflict, especially allegations of sexual crimes and massive rapes <i>(first time that the Prosecutor opening an investigation on the basis of sexual crimes)</i> | <ul style="list-style-type: none"> • Crimes Against Humanity • War Crimes | Ongoing Investigation |
| Kenya | Post-electoral violence, together with conflict among tribes | Government Forces and Rebel Groups | Crimes committed in post-election violence of 2007-2008: especially crimes of murder, rape and other forms of sexual violence and forcible transfer of population. | <ul style="list-style-type: none"> • Crimes Against Humanity | Ongoing Investigation |
| Uganda | Guerilla war between government forces and main rebel group in the country | Government Forces and Lord's Resistance Army | Crimes committed by LRA, especially child soldiers, sexual enslavement, murder and looting. | <ul style="list-style-type: none"> • Crimes Against Humanity • War Crimes | Ongoing Investigation |

| Country | Who Referred and When | Named Violators/Perpetrators | Stage of Prosecution | Verdict | Punishment |
|--------------------------|---|---|----------------------|--|------------|
| Central African Republic | By Central African Republic Government, on December 22, 2004 (third state referral to the ICC) | Only person charged with is the Former State President: <ul style="list-style-type: none"> Jean Pierre Bembo Gambo | Trial | No | No |
| Kenya | Through propriou motu power of the Prosecutor – Date of authorization for investigation: March 31, 2010 | <ul style="list-style-type: none"> State Officials: William Somoei Ruto, Henry Kiprano Kosgey, Uhuru Kenyatta, Francis Muthaura, Mohammed Hussein Ali Rebel Group: Jashua Arap Song | Trial | <ul style="list-style-type: none"> Henry Kiprano Kosgey: Pre-Trial Chamber II declined to confirm the charges against him. Mohammed Hussein Ali: Pre-Trial Chamber II declined to confirm the charges against him. | No |
| Uganda | By the President of Uganda, in December 2003 (first state referral to the ICC) | Rebel Group Leaders: <ul style="list-style-type: none"> Joseph Kony Vincent Otti Okat Odhiambo Dominic Ongwen Raska Lukwiya | Pre-Trial | <ul style="list-style-type: none"> The proceedings against Raska Lukwiya terminated because of his decease, on July 11, 2007. | No |

| Country | Type of Conflict | Parties to Conflict | Crimes Referred to ICC | Type of Crime | Type of Case |
|---|---|--|--|---|-----------------------|
| Democratic Republic of Congo <i>(first formal investigation conducted by ICC)</i> | Ethnic animosity, civil war, competition for diamonds and minerals, monetary assistance from neighboring countries. | Many rebel groups, together with numerous armed groups, at least to other countries (Rwanda and Uganda), conflicting ethnic groups (Hutu and Tutsi) and supporting business from Europe. | Crimes committed by rebel groups, in particular, crimes in Ituri and Kivu regions: especially child soldiers, mass murder, rape, torture, and forced displacement of population. | <ul style="list-style-type: none"> • Crimes Against Humanity • War Crimes | Ongoing Investigation |

| Country | Who Referred and When | Named Violators/Perpetrators | Stage of Prosecution | Verdict | Punishment |
|-------------------------------------|--|--|--|--|---|
| Democratic Republic of Congo | By the President of Democratic Republic of Congo, on April 19, 2004. | Rebel Group Leaders: <ul style="list-style-type: none"> • Thomas Lubango Dyilo • Germain Katanga • Bosco Ntaganda • Callixte Mbarushimana • Sylvestre Mudacumura • Ngudjalo Chui | <ul style="list-style-type: none"> • Pre-Trial • Trial (final decision being waited for Katanga) | <ul style="list-style-type: none"> • Dyilo found guilty, on March 14, 2012, of the war crimes of enlisting and conscripting children under the age of 15 years. • Trial Chamber II acquitted Chui of the charges of war crimes and crimes against humanity on December 18, 2012. • On November 21, 2012, the judges published a decision to | <ul style="list-style-type: none"> • On July 10, 2012, Dyilo sentenced to a total of 14 years of imprisonment. |

| | | | | | |
|--|--|--|--|---|--|
| | | | | <p>severe the charges against Katanga.</p> <ul style="list-style-type: none"> • On 16 December 2011, Pre-Trial Chamber I decided to decline confirming the charges against Mbarushimana and released him from custody on 23 December 2011. | |
|--|--|--|--|---|--|

| Country | Type of Conflict | Parties to Conflict | Type of Crime | Referral to ICC | Issue of Investigation | Type of Case |
|--------------------------|---|---|--|---|-----------------------------|---------------------------|
| Afghanistan | Transnational Terrorism | Taliban, US-led Coalition Forces and Al Qaeda | Killings, torture and other forms of ill-treatment; use of human shields; attacks on protected objects; abductions; recruitment of child soldiers | State-Party to Rome Statute, No Referral | Subject-Matter Jurisdiction | Preliminary Investigation |
| Honduras | Military Coup D'état | Ousted Government, Current Government and the Army | Murder; imprisonment; torture; rape and sexual violence; deportation; persecution; attacks against civilian population | State-Party to Rome Statute, No Referral | Subject-Matter Jurisdiction | Preliminary Investigation |
| Republic of Korea | Conflict between North and South Korea (the sinking of South Korean war-ship and the shelling of South Korean's island) | North Korea and South Korea | War crimes of killing and wounding treacherously; intentional targeting of civilians and objects; excessive incidental death; injury or damage to civilians and objects. | South Korea is State-Party to Roma Statute, but North Korea is not. /No Referral by South Korea | Subject-Matter Jurisdiction | Preliminary Investigation |
| Nigeria | Political violence between July 2002 and April 2011, including post-electoral and inter-communal violence | Government Forces, conflicting political, communal and ethnic groups together with terrorist activities by Boko Haram | Killings of thousands of people; civilian deaths; the attacks committed by Boko Haram to non-Muslim groups; rape and sexual violence; torture and abductions | State-Party to Rome Statute, No Referral | Subject-Matter Jurisdiction | Preliminary Investigation |

| Country | Type of Conflict | Parties to Conflict | Type of Crime | Referral to ICC | Issue of Investigation | Type of Case |
|-----------------|---|---|--|---|------------------------|---------------------------|
| Colombia | Internal Conflict | Government Forces, Guerilla Armed Groups and Paramilitary Groups | War Crimes and Crimes Against Humanity committed by state forces. | State-Party to Rome Statute, but the Court has only jurisdiction for war crimes. /No Referral | Admissibility | Preliminary Investigation |
| Georgia | Armed conflict over South Ossetia. Then, rendered an international conflict with the participation of Russia. | Georgian Forces, South Ossetian Forces and Russian Federation | Forcible displacement of population; attacks against peace-keepers; unlawful attacks directed against the civilian population and civilian objects; destruction of property; torture and other forms of ill-treatment. | State-Party to Rome Statute / No Referral | Admissibility | Preliminary Investigation |
| Guinea | Governing Military Junta and Oppression of Opposition | Opposition Groups, Military Junta Leaders and National Armed Forces | Killings and disappearances; rape and sexual violence; arbitrary detention and torture; persecution. | State-Party to Rome Statute / No Referral | Admissibility | Preliminary Investigation |
| Mali | Ongoing Non-International Armed Conflict | Government Forces and Various Armed Groups | Killings; torture and other forms of ill-treatment; attacks against religious and historical monuments; pillaging; rape and child recruitment. | State-Party to Rome Statute / Situation from January 2002 to July 2012 is referred. | Admissibility | Preliminary Investigation |

| Country | Type of Conflict | Parties to Conflict | Type of Crime | Referral to ICC | Issue of Investigation | Type of Case |
|------------------|--|--|--|--|---|---|
| Palestine | No | No | No | Minister of Justice of the Government of Palestine lodged a declaration to accept the jurisdiction of the ICC on January 21, 2009. | Whether Palestine is regarded as a state? | Rejected for further criminal prosecution because of the status of Palestine not a "state". |
| Iraq | International Conflict | U.S.-led Coalition Forces and national Iraqi armed groups | The launching of military operations by coalition forces and the resultant human loss. | Not a State-Part to Rome Statute / No Referral | <ul style="list-style-type: none"> • The crime of aggression does not have a definition in Rome Statute. • The ICC does not have the mandate to address the legality of the intervention. • No indication of crimes against humanity and war crimes. | Rejected for further criminal prosecution because the available information does not satisfy the criteria defined in Article 15(6) of the Rome Statute. |
| Venezuela | Internal violence, including conflict to opposing groups | Venezuelan Government, Associated Forces and Opposing Groups | Crimes committed by Venezuelan government, Associated Forces and Opposing Groups. | State-Party to Rome Statute / No Referral | <ul style="list-style-type: none"> • Temporal jurisdiction of the Court does not overlap with the time of alleged crimes. • Allegations of war crimes and crimes against humanity were not met. | Rejected for further criminal prosecution because the available information does not satisfy the criteria defined in Article 15(6) of Rome Statute. |

CHAPTER 6

ANALYSIS

6.1. Introduction

The study investigates the relationship between media coverage to the cases at the docket of the ICC and the final decisions of the Court regarding them. In doing so, the study examines deeply the media coverage gained through LexisNexis for three selected cases, by focusing on 5 keywords referring to and defining the situation of international crimes committed in these three countries. In essence, the work mainly proposes that there is a positive relationship between media coverage to the cases and their likelihood of selection by the Court and uses the situations in Sudan, Democratic Republic of Congo and Iraq to illustrate the central argument.

6.2. Analysis

The data of media coverage to all cases of the sample shows that most of the cases taken for criminal investigation by the Court, have received higher levels of news reporting in media. In other words, the cases of ongoing investigations of the ICC rank in higher categories of media coverage. In this respect, the designed categorization demonstrates that Sudan and Kenya fall into high level of media coverage whereas Libya, Democratic Republic of Congo and Uganda locate in medium level of media coverage. Only the cases, Central African Republic and Côte d'Ivoire locate in the category of low level of media coverage, together with the cases of preliminary examinations and the cases rejected by the Court. The reason of media coverage at low level to formal investigation cases, Central African Republic and Cote D'Ivoire, may stem from various factors such as language bias in searching, user bias in defining search terms, the lack of reporting in some years or reporting in local newspapers that LexisNexis cannot access. As a consequence, it is observed that the countries placed in the categories, high and medium level of media coverage, widely support the central proposition of the study through both receiving relatively higher amounts of media coverage among the cases of the sample and being selected by the Court for formal investigation.

To examine deeply the effect of media over the selection of cases by the Court, the study looks into the total numbers of media reports to three cases chosen among the sample of cases. In this regard, the selection of the cases aimed to reveal the diversity in the levels of media coverage to the case studies, which, according to the central argument, affects the Court's selection of formal investigation cases. For the case studies – Sudan, Democratic Republic of Congo and Iraq – five keywords are identified that are referring to the situations in these countries. Then, the media coverage to three cases is examined to explain the relationship between the level of media reporting and the decisions of the Court regarding the selection of these cases.

In line with the above stated logic, five keywords referring to international crimes committed in the situation of Darfur are genocide or ethnic cleansing, mass murder, death, displacement of the population and mass rape. These keywords are highly covered in media as the number of news reporting to them is 2094. All popular and worldwide-known newspapers and magazines operating in Europe, Africa, the America and Far East widely reported the ongoing situation and human rights violations in the country. Moreover, the number of web-based publications published by international and civil society organizations for the conflict in Darfur between 2002 and 2012 is high, majorly covering five keywords the analysis focused on and including the contributions of many crucial international organizations as the United Nations, the European Union and its institutions, African Union, Human Rights Watch, Amnesty International, International Crisis Group, Save Darfur etc. As the result, the case of Sudan is taken for formal investigation by the Court, which principally prosecuted crime of genocide or ethnic cleansing, mass murder, death, displacement of the population and rape committed in the context of internal conflict and largely covered by the media. Furthermore, because the news largely reported that the committal of international crimes are organized and perpetrated by the Sudanese government, especially by the President - Al Bashir, high ranking government officials and the leaders of state supported militia, Janjaweed, the ICC issued arrest warrants against these people who appeared highly in news coverage as the most responsible people for the conflict.

The widespread conscription and enlistment of children under the age of 15, displacement of the population or refugees, deaths, rapes and competition over

minerals by many armed groups are the keywords identifying the situation in Democratic Republic of Congo. These keywords are reported in media at medium level, as the number of media coverage to them is 699. Most of popular newspapers and magazines that are operating throughout the world reasonably covered the ongoing situation and human rights violations in Democratic Republic of Congo. Moreover, the number of web-based publications published by international and civil society organizations for the conflict in the country between 2002 and 2012 is medium, majorly covering five keywords the analysis focused on and including the contributions of some crucial international organizations as the United Nations, the European Union and its institutions, Human Rights Watch, Amnesty International etc. As a consequence, the case of Democratic Republic of Congo is selected for formal investigation by the Court, which principally prosecuted the crimes of conscription and enlistment of children under the age of 15, displacement of the population and refugees, deaths, rapes and competition over minerals by many armed groups committed in the context of domestic conflict. Furthermore, because the news largely pressed that the committal of international crimes in Democratic Republic of Congo are majorly planned and perpetrated by the armed groups, UPC and FPLC, together with others, the arrest warrants are issued against the senior leader of UPC, Thomas Lubanga Dyilo, and military leader of FPLC, Bosco Ntaganda, together with many high-ranking commanders in other rebel groups.

With respect to Iraq, the legality of the conflict or crime of aggression, murder or willful killing, attack to civilians, inhuman treatment of prisoners and torture are the keywords referring to ongoing situation in the country. These keywords are covered at low level in media as the number of media reporting for them is 406. A limited number of newspapers and magazines published in Europe, the United States, Africa and Far East wrote about the Iraq intervention and their attention to the episodes as well as the following humanitarian crisis emerged in the country was scarce. Furthermore, the number of web-based publications published by international and civil society organizations for the intervention in Iraq between 2002 and 2012 is low, with only a few reports covering five keywords the analysis focused on and including the contributions of a small number of international organizations as the United Nations, Human Rights Watch, and Amnesty International etc. As the result, the case of Iraq is

rejected for formal investigation by the Court, as the information available and the number of media coverage to the case do not form a reasonable basis for the crimes of willful killing or intentional murder, attack to civilians, inhuman treatment of prisoners and systematic torture against detainees. In addition, the Court does not have the power to address the legality of the intervention or crime of aggression as the conditions to describe crime of aggression are not determined in the Rome Statute.

In conclusion, according to the analysis of news data, the Court pays significant attention to the media as a tool of selection, by considering the popularity of the conflicts reported in media when to decide on the selection of cases. That's why; the countries of formal investigation are the most known conflicts the world is highly referring to and including international crimes most serious to international community. Because of extreme violence and grave human rights abuses committed in these conflict situations, they are widely covered in media and international pressure for the resolution of these conflicts, is pretty high. This implies that the proportion of the news in media is key for the selection of them for advanced prosecution of the ICC. Moreover, in the phase of evidence collection, the Prosecutor has to rely upon the sources mainly composed of relevant news to a conflict, such as the reports, publications and historical information. Thus, as Edith Greene says, "Because many news stories precede the actual trial, judges are informed about certain facts prior to hearing them in the courtroom." (Greene, 1990) As the result, the news data shows that when more news covering a particular conflict at the docket of the ICC, the Court is more likely to perceive the case popular and urgent to be addressed. Because of this, the analysis observes a positive relationship between the media coverage to a conflict available in media and the likelihood of selection of it by the Court.

5.3. Discussion

As the analysis shows, the central argument of the study is verified by the news data collected for the cases of sample and by deep examination of media coverage to three selected conflicts. Therefore, the study achieved high internal validity in this respect. The analysis is also strong in conclusion validity as theoretical link between the variables, media reports and case-selection, is largely supported by empirical data. However, the researcher admits that the issue of replication is at stake because of the

nature of case study method. Thus, the same conclusions cannot be reached upon when the study is conducted again. Furthermore, because the sample of the study suffers from small-N problem, randomization was impossible in selecting the cases of analysis even though the researcher sought to eliminate the selection bias to the large extent by adopting the method of diverse cases.

5.4. Conclusion

When the role of media reports in the selection of the cases by ICC is analyzed, it is observed that the Court is mainly using the media as one of the sources of information collection and case-selection. Therefore, while deciding upon the cases of formal investigation, the ICC widely looks into the number of media coverage to the cases it is criminally dealing with, together with the content of the news appeared in media for the situations at hand. Consequently, as also verified by the analysis of the news data gathered through LexisNexis, the more media coverage to a case affects the likelihood of that case to be selected by the ICC for advanced prosecution. Ultimately, theoretical argument of the study is supported by both quantitative and qualitative data; thus, the analysis is strong and sound in means of explanatory power.

CHAPTER 7

CONCLUSION

As a permanent international organization entitled to prosecute the most serious crimes to international community, International Criminal Court attracts the attention of scholars and experts through the selection of cases. So far, seven conflicts – Sudan, Kenya, Libya, Congo, Uganda, Central African Republic and Cote d'Ivoire - are selected for formal investigation by the Court. Eight conflicts are in the phase of preliminary examination – Afghanistan, Honduras, Nigeria, Colombia, Guinea, Mali, Georgia and Korea. In addition, three conflicts are rejected for formal investigation – Iraq, Palestine and Venezuela. Therefore, a puzzle emerges in case-selection policy of the International Criminal Court: How does the Court decide on the cases of formal investigation? What is the role of media coverage in this respect?

This study seeks answer to above questions by referring to the literature on the role of media coverage over judicial decisions of high courts. Because there is no work, in the history of the ICC, investigating the relationship between media and case-selection decisions, the study brings a crucial insight into the current literature on the Court. Moreover, the media factor is mostly emphasized in the studies examining the judicial decisions of high courts. That's why; the study adopts the effect of media news into the International Criminal Court's case-selection.

Analytically, the study conducts a small-N research enriched with case studies. In the first place, small-N research collects the news in press through LexisNexis to measure the level of media attention to all cases at the docket of the Court. Then, three categories of media coverage – high, medium and low – are formed. Deep analysis is conducted into media coverage of three cases selected in each category to reveal "How the assumed relationship between the media coverage and case-selection goes on in cases?"

It is observed that most of the cases of formal investigation the Court is dealing with are located in the categories of higher levels of media coverage; thus, they are mostly published and referred cases in media. Only the cases, Central

African Republic and Côte d'Ivoire locate in the category of low level of media coverage, together with the cases of preliminary examinations as well as rejected investigations. As a next step, the cases of analysis - Sudan, Democratic Republic of Congo and Iraq - are chosen to examine the number as well as the content of media coverage available in LexisNexis to them. It is noticed that Sudan and Democratic Republic of Congo have received higher levels of media coverage and widely covered in media through various sources; thus, they are selected by the ICC for formal investigation. However, the intervention to Iraq has gathered a small number of media news and slightly covered in media through a limited number of sources; thus, the Court rejected the case of Iraq for further investigation.

The results show that the ICC uses media coverage as a tool of case-selection and in deciding the cases of formal investigation. The cases at the docket of the Court reveal that the Court mainly deals with popular and urgent cases in trouble with extreme violence within national borders; thus, they are required to be addressed immediately by a judicial organ. Hence, this kind of case-selection indicates that the Court pays crucial attention to media in order to be aware of human rights violations in referred situations and to decide, in this respect, about their judgment in an international setting. Because of this, the study finds that there is a positive relationship between media coverage to the cases and their likelihood of selection by the Court for further investigation. As the result, the analysis reveals that media is a powerful tool affecting the judicial decisions taken in national as well as international high courts.

The study could be developed further by future works through a few ways. First of all, the central proposition of the study could be tested in a more diverse way through the collection of more quantitative data including also locally published news in original languages in national newspapers. This kind of in-depth data-collection would make the analysis more strong and fill the missing points in the current data with the locally available news coverage which LexisNexis cannot access to. An alternative way to improve the study is to get into the variables available in the situation of each case to investigate extensively how specific factors of the cases are interplay with the media coverage to them. The main reason

of this kind of recommendation is that while analyzing, the researcher observed that there are other variables in the situations at hand affecting the likelihood of the selection of them by the ICC, such as the referring party to the Court, the type of crime or the nature of the violations etc. This kind of improvement would require the content analysis of the published news which is in line with the current literature as most studies are looking into the role of case-specific facts on the decisions of high courts. Therefore, further works could focus on the relationship between internal factors and media coverage and examine in a comprehensive way how these two factors influence the case-selection decisions of the Court. In this way, the theoretical base of the current study could be improved and broadened in a logical way. In this way, new insights would be given to the studies specializing on the International Criminal Court.

In a nutshell, the study could be regarded as a first step into the analysis of case-selection policy of the ICC on the basis of media coverage to the cases as there is no such a work in available literature writing on the Court. Because the literature on the ICC is only dealing with legal issues defined in Rome Statute regarding the case-selection such as legal criteria of admissibility and complementarity or the prosecutorial power granted to the Court, a more media focused account of case selection takes the focus out of legal issues and brings more applicable explanation of the selection decisions given by the Court. That's why, the combination of political science and international law to illustrate better the interplay between media and case-selection in the framework of the Court contributes a lot into the theories laid out for and empirical works conducted on the International Criminal Court. Consequently, the research made in this study provides innovation and novelty to the literature available, specifically on the International Criminal Court, and in a broader sense, on high courts.

BIBLIOGRAPHY

- Africa News. (2006). *Congo-Kinshasa; Ituri Warlord Makes First Appearance at Trial at ICC in the Hague*. AllAfrica, Inc.
- Africa News. (2007). *Congo-Kinshasa; Selective Prosecutions Could Undermine Justice*. AllAfrica, Inc.
- Africa News. (2008). *Sudan; Bashir Indictment Sparks Hope; Fear*. Inter Press Service.
- Africa News. (2009). *Congo-Kinshasa, Child Soldiers Tell of First Kill*. AllAfrica, Inc.
- Africa News. (2003). *Congo-Kinshasa; "Business As Usual" for Child Soldiers*. AllAfrica, Inc.
- Africa News. (2005). *Sudan; ICC Takes Key Step to Bring Justice in Darfur*. Human Rights Watch.
- Africa News. (2009). *Sudan; Govt Expels Agencies Supplying Most Darfur Aid*. Inter Press Service.
- Africa News. (2009). *Sudan; Prosecutor Accuses Bashir Forces of Murder, Rape, Pillage*. AllAfrica, Inc.
- Africa News. (2011). *Question and Answer with Marie-Edith Douzima-Lawson, Lawyer for Victims in the Bemba Trials*. Africa News.
- Africa News. (2012). *Congo-Kinshasa; A Tale of War, Rebellion and Dreadful Peace Agreements*. AllAfrica, Inc.
- Africa News. (2012). *We Shouldn't Be Welcoming Tony Blair in Nigeria*. AllAfrica, Inc.
- Akande, D., DuPlessis, M., & Jalloh, C. C. (2010). *Position Paper: An African Expert Study on the African Union Concerns about Article 16 of the Rome Statute of the ICC*. Tshwane: Institute for Security Studies.
- All Africa. (2009). *Africa; Obama Should Meet Continent Before London Summit*. AllAfrica, Inc.
- All Africa. (2007). *Sudan; Country to Hold Own Darfur Trials*. All Africa.
- All Africa. (2007). *Sudan; Washington Soften Stance of ICC*. AllAfrica, Inc.
- All Africa. (2010). *Human Rights; Trial Hears Lubanga Told Child Soldier to Get Women, Vehicles and Cows*. AllAfrica, Inc.
- All Africa. (2010). *Human-Rights; Lubanga's Missing Co-Perpetrator - Who is Bosco Ntaganda?* AllAfrica, Inc.

- Amnesty International. (2006). *Tribunal to Debut with Congo Case; Prosecution of Rebel Leader Could Quiet Criticism of International Criminal Court*. Washington: Amnesty International.
- Amnesty International. (2011). *Open Letter to President Joseph Kabila*. Amnesty International.
- BBC. (2012). *Sudan opposition leader calls on president Al-Bashir to seek refuge in exile*. BBC Monitoring.
- BBC Monitoring Africa. (2006). *International court chief begins visit to DR Congo*. British Broadcasting Corporation.
- BBC Monitoring. (2009). *Sudan's Turabi "Slapped Bashir in Face"*. BBC Monitoring Middle East.
- BBC Monitoring. (2008). *Commentary says Sudan's ruling party needs to cooperate with ICC*. BBC Monitoring Middle East.
- BBC Monitoring Middle East. (2009). *Expulsion of NGOs "serious setback to lifesaving operations" in Sudan - UN Chief*. British Broadcasting Corporation.
- BBC News Africa. (2013). *Democratic Republic of Congo*. BBC News Africa.
- Belfast News Letter. (2003). *Iraq Crisis: Lawyers Warn PM on 'War Crimes'*. Northern Ireland: Century Newspapers Limited.
- Birmingham Evening Mail. (2005). *Squaddies on Death Charge; Inhuman Treatment of Iraqis*. Midland Independent Newspapers.
- Brace, P. R., Hall, M. G., & Langer, L. (2001). Placing Courts in State Politics . *State Politics and Policy Quarterly*, 81-108.
- Brubacher, M. R. (2004). Brubacher, M. R. Prosecutorial Discretion within the International Criminal Court. *Journal of International Criminal Justice*, 71-95.
- Canberra Times. (2007). *Historic trial puts African warlord in dock over child soldiers*. Australia: The Federal Capital Press of Australia.
- Carrubba, C. J., Gabel, M., & Hankla, C. (2008). Judicial Behavior under Political Constraints: Evidence from the European Court of Justice. *American Political Science Review*, 435-452.
- Christian Science Monitor. (2007). *Backstory: Congolese radio show gives war victims a voice*. The Christian Science Publishing Society.
- Christian Science Monitor. (2008). *Sudan makes case abroad while still bombing Darfur*. Tawila: The Christian Science Publishing Society.

- Christian Science Monitor. (2009). *Lubanga's Neighbors Split Over War Crimes Trial*. The Christian Science Publishing Society.
- Citizens for Global Solutions. (2012). *Thomas Lubanga Sentenced to 14 Years by the ICC*. Citizens for Global Solutions.
- Citizens for Global Solutions. (2007). *No Peace Without Justice: U.S. must cooperate with ICC on Darfur*. Washington, DC: Citizens for Global Solutions.
- Clark, P. (2008). Law, Politics and Pragmatism: The ICC and Case Selection in the Democratic Republic of Congo and Uganda. In N. Waddell, & P. Clark, *Courting Conflict? Justice, Peace and the ICC in Africa* (pp. 37-45). London: Royal African Society.
- Coalition for the International Criminal Court. (2013, February 14). *Letter to Chad*. Retrieved from ICCNOW: http://www.iccnw.org/documents/letter_chad.pdf
- Cochran, W. G. (1977). *Sampling Techniques*. New York: John Wiley.
- Coipuram, T. (2003). *Iraq: United Nations and Humanitarian Aid Organizations*. Congressional Research Service.
- Council of the European Union. (2007). *Council Conclusions on Sudan*. Brussels: Council of European Union.
- Council of the European Union. (2009). *Council Conclusions on the Great Lakes Region*. Council of the European Union.
- Danner, A. M. (2003). Enhancing the Legitimacy and Accountability of Prosecutorial Discretion at the International Criminal Court. *The American Journal of International Law*, 510-552.
- DeGuzman, M. M. (2009). Gravity and the Legitimacy of the International Criminal Court. *Fordham International Law Journal*, 1400-1466.
- Eisenberg, T. (1990). Testing the Selection Effect: A New Theoretical Framework with Empirical Tests. *The Journal of Legal Studies*, 337-358.
- End Genocide. (2012). *Sudan Backgrounder*. Washington, DC: United to End Genocide.
- Enough Project. (2011). *A Window for Reform in Eastern Congo*. Enough Project.
- Enough Project. (2012). *Conflict in Sudan*. Washington, DC: Center for American Progress.

- European External Action Service. (2013). *Statement by the spokesperson of EU High Representative, Catherine Ashton, on the transfer of Bosco Ntaganda to The Hague*. European External Action Service.
- European Parliament. (2008). *European Parliament Resolution of 22 May 2008 on Sudan and the International Criminal Court*. Strasbourg: European Parliament.
- Everest, L. (2005). *History of US and UK Intervention in Iraq*. Information Clearing House.
- Gibson, J., Caldeira, G., & Baird, V. (1998). On the Legitimacy of National High Courts . *The American Political Science Review*, 343-358.
- Ginsburg, T. (2009). The Clash of Commitments at the International Criminal Court. *Chicago Journal of International Law*, 499-514.
- Goldston, J. A. (2010). More Candour about Criteria. *Journal of International Criminal Justice*, 383-406.
- Greene, E. (1990). Media Effect on Jurors. *Law and Human Behavior*, 439-450.
- Harper, A. (2007). *Iraq's Neglected Humanitarian Crisis*. Oxford: Forced Migration Review Press.
- Heal Africa. (2011). *History of the Congo*. Heal Africa.
- Human Development Indicators. (2013). *Democratic Republic of Congo*. United Nations Development Programme.
- Human Rights Watch. (2003). *Congo-Kinshasa; World Court Probes Ituri Killings*. Washington DC: Human Rights Watch.
- Human Rights Watch. (2005). *Letter to the Members of the UN Security Council Regarding Sudan*. Human Rights Watch.
- Human Rights Watch & International Crisis Group. (2006, January 13). *Security Council Must Take Action to Protect Civilians in Darfur*. Retrieved from HRW: <http://www.hrw.org/en/news/2006/01/30/security-council-must-take-action-protect-civilians-darfur>
- Human Rights Watch. (2005). *Sudan; ICC Takes Key Step to Bring Justice to Darfur*. New York: Human Rights Watch.
- Human Rights Watch. (2006). *Congo-Kinshasa; ICC Arrest First Step to Justice*. Human Rights Watch.
- Human Rights Watch. (2008). *DRC: Call for Security Council*. New York: Human Rights Watch.

- Human Rights Watch. (2008). *Q&A: Crisis in Darfur*. New York: Human Rights Watch.
- Human Rights Watch. (2010). *Congo-Kinshasa; ICC-Indicted War Criminal Involved in Assassinations of Opponents*. Washington DC: AllAfrica, Inc.
- Human Rights Watch. (2012). *Congo-Kinshasa; Arrest Bosco Ntaganda for Hague Court Trial*. Human Rights Watch.
- Human Rights Watch. (2012). *Congo-Kinshasa; Bosco Ntaganda Recruits Children By Force*. Human Rights Watch.
- Human Rights Watch. (2012). *NGO and Civil Society: Pursue Case Against Rebel Leader, Says Rights Group*. Washington DC: Human Rights Watch.
- Independent on Sunday. (2005). *Bereaved Accuse Ministers of War Crimes*. London: Independent Print Ltd.
- Inder, B. (2011). *Reflection: Gender Issues and Child Soldiers in the case of Prosecutor v. Thomas Lubanga Dyilo*. Women's Initiative for Gender Justice.
- Institute for War & Peace Reporting. (2009). *Congo-Kinshasa; UPC Allegedly Recruited Kids As Young As Five*. Institute for War & Peace Reporting.
- Institute for War & Peace Reporting. (2006). *Women and Gender: Women in Darfur Look to ICC*. AllAfrica, Inc.
- Institute for War&Peace Reporting. (2006). *Women and Gender; Women in Darfur Look to ICC*. Africa News.
- International Center for Transitional Justice. (2009). *Sudan: Impact of the Rome Statute and the International Criminal Court*. International Center for Transitional Justice.
- International Committee of Red Cross. (2008). *Iraq: No Let-Up in the Humanitarian Crisis*. Geneva: International Committee of Red Cross.
- International Criminal Court. (2002). *Rome Statute*. The Hague: International Criminal Court.
- International Crisis Group. (2012). *Open Letter to the United Nations Security Council on the Democratic Republic of Congo*. International Crisis Group.
- International Refugee Rights Initiative. (2012). *Steps Towards Justice*. International Refugee Rights Initiative.
- International Rescue Committee. (2007). *Congo Crisis*. International Rescue Committee.

- Interr Press Service. (2004). *Women and Gender; Rights: International Court Boost Justice for Women*. AllAfrica, Inc.
- Iraqi National Commission for the ICC. (2011). *Iraq*. The Hague: International Criminal Court.
- Kastellec, J. P., & Lax, J. R. (2008). Case Selection and the Study of Judicial Politics. *Journal of Empirical Legal Studies*, 407-446.
- King, G., Keohane, R., & Verba, S. (1994). *Designing Social Inquiry: Scientific Inference in Qualitative Research*. Princeton: Princeton University Press.
- Kirsch, P. (2001). The International Criminal Court: Current Issues and Perspectives. *Law and Contemporary Problems*, 3-11.
- Law, D. S. (2005). Strategic Judicial Law-Making: Ideology, Publication, and Asylum Law in the Ninth Circuit. *University of Cincinnati Law Review*, 817-866.
- Levy, J. S. (2008). Case Studies: Types, Designs and Logics of Inference. *Conflict Management and Peace Science*, 1-18.
- Loyn, D. (2007). *Iraq Faces Alarming Humanitarian Crisis*. BBC News.
- Mennecke, M. (2008). *Fragile States and the International Criminal Court: Friends or Foes?* Copenhagen: Danish Institute for International Studies Press.
- Merritt, D. J., & Brudney, J. J. (2001). Stalking Secret Law: What Predicts Publication in the United States Courts of Appeals. *Vanderbilt Law Review*, 71-127.
- National Post. (2003). *Canadian firm caught in UN war crimes web: Court to probe Banro-Resource Role in Congo Conflict*. Canada: National Post.
- National Post. (2009). *First Trial Opens In World Court; Rebel Leader Charged*. Canada : National Post.
- No Peace Without Justice. (2013). *NPWJ urges Chad to stand up for justice and not grant impunity to President Al-Bashir*. No Peace Without Justice.
- Office for the Coordination of Humanitarian Affairs. (2007). *Sudan; Darfur War Crimes Suspects Named Soon*. AllAfrica, Inc.
- Open Society Foundations. (2012). *The Trial of Mathieu Ngudjolo Chui at the ICC*. Open Society Foundations.
- Organization of American States. (2012). *IACHR Welcomes First Verdict of the International Criminal Court: Case on Recruitment of Child Soldiers*. Organization of American States.

- Priest, G. L., & Klein, B. (1984). The Selection of Disputes for Litigation. *Journal of Legal Studies*, 1-55.
- Ritter, E. H., & Wolford, S. (2012). Bargaining and the Effectiveness of International Criminal Regimes. *Journal of Theoretical Politics*, 149-171.
- Robbennolt, J. K., & Studebaker, C. A. (2003). News Media Reporting on Civil Litigation and Its Influence on Civil Justice Decision Making. *Law and Human Behavior*, 5-27.
- Robinson, P., & Darley, J. (1997). The Utility of Desert. *Northwestern University Law Review*, 453-499.
- Rogers, J. R. (2001). Information and Judicial Review: A Signaling Game of Legislative-Judicial Interaction. *American Journal of Political Science*, 84-99.
- Rubin, E. (2006). *If Not Peace, Then Justice*. New York: The New York Times.
- Sargsyan, I. L. (2012). *Iraq's Endless Humanitarian Crisis*. The National Interest.
- Save Darfur. (2004). *What Has Happened in Darfur?* Retrieved from SAVEDARFUR: <http://www.savedarfur.org/pages/primer>
- Save The Children. (2012). *Iraq*. Save The Children.
- Schabas, W. A. (2008). Prosecutorial Discretion v. Judicial Activism at the International Criminal Court. *Journal of International Criminal Justice*, 731-761.
- Schlesinger, P., Tumber, H., & Murdock, G. (1991). The Media Politics of Crime and Criminal Justice . *The British Journal of Sociology*, 397-420.
- Seawright, J., & Gerring, J. (2008). Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options. *Political Research Quarterly*, 294-308.
- Siegelman, P., & Donohue, J. J. (1990). Studying the Iceberg from Its Tip: A Comparison of Published and Unpublished Employment Discrimination Cases. *Law & Society Review*, 1133-1170.
- Staton, J. K. (2006). Constitutional Review and the Selective Promotion of Case Results. *American Journal of Political Science*, 98-112.
- Stebay, N. M., Besirevic, J., Fulero, S. M., & Lorente, B. J. (1999). The Effects of Pretrial Publicity on Juror Verdicts: A Meta-Analytic Review. *Law and Human Behavior*, 219-235.
- Steele, J. (2007). *Children hardest hit by humanitarian crisis in Iraq*. The Guardian.

- Stegmiller, I. (2009). Stegmiller, I. The Gravity Threshold under the ICC Statute: Gravity Back and Forth in Lubanga and Ntaganda. *International Criminal Court Review*, 547-565.
- Studebaker, C., & Penrod, S. (1997). Pre-Trial Publicity: The Media, The Law and Common Sense. *Psychology, Public Policy and Law*, 428-460.
- Sudan Tribune. (2011). *Sudan; State Slams ICC Prosecutor's Request for Arrest of Its Defense Minister*. Paris: Africa News.
- Tellis, W. (1997). Application of a Case Study Methodology. *The Qualitative Report*.
- The Australian. (2005). *Pinter's role for leaders of coalition: terror defendants*. Nationwide News Pty Limited.
- The Daily Telegraph. (2005). *War Crimes Court Launches Darfur Inquiry* . London: The Daily Telegraph.
- The Daily Telegraph. (2005). *We can't brand these soldiers war criminals*. Telegraph Group Limited.
- The Gazette. (2005). *Court takes on darfur: May allow traditional African justice; UN panel gives Hague judicial body names of 51 suspected war crimes ring leaders*. Montreal: CanWest News Service.
- The Gazette. (2003). *Tribunal for Saddam Recommended*. Montreal: CanWest Global Communications Corp.
- The Globe and Mail. (2009). *The Terminator: Has ruthless rebel turned partner for peace?* Canada: The Globe and Mail.
- The Guardian. (2008). *Darfur Conflict: Sudan's President Charged with Genocide* . London: Guardian International Pages.
- The Guardian. (2009). *Warlord 'press-ganged children' in Congo: Young victims trained to kill and rape, judges told: International Criminal Court's first trial in at Hague*. London: Guardian Newspapers Limited.
- The Guardian. (2004). *UK should face court for crimes in Iraq, say jurists*. London: Guardian Newspapers Limited.
- The Guardian. (2005). *International Court hears anti-war crimes*. London: Guardian Newspapers Limited.
- The Guardian. (2007). *International: Congolese warlord accused of massacre placed in ICC custody*. Guardian Newspapers Limited.

The Guardian. (2010). *UN in Congo: 'The Terminator' lives in luxury peacekeepers look on*. London: Guardian Newspapers Limited.

The Independent. (2004). *Prisoner Abuse: US Backs Down Over Immunity for Soldiers* . London: Independent Print Ltd.

The Independent . (2007). *Historic trial puts warlord in dock over child soldiers*. London: Independent Print Ltd.

The Independent. (2004). *Extermination of the Pygmies; Deep in the Congolese Jungle*. London: Independent Print Ltd.

The International Herald Tribune. (2006). *U.K. begins trial of 7 soldiers accused of torture in Iraq*. International Herald Tribune.

The International Herald Tribune. (2008). *Rape as Genocide; Sudan and the ICC*. The New York Times Media Group.

The International Herald Tribune. (2012). *Report says Rwandans are sent to fight in Congo*. International Herald Tribune.

The Irish Times. (2007). *Prosecutor implicates Sudanese minister in war crimes*. The Irish Times.

The Irish Times. (2006). *Charges against Congo Rebel Leader first test for the ICC*. The Irish Times.

The New York Times. (2004). *Novelty in Congo: U.N. Investigates a Massacre*. New York: The New York Times Company.

The New York Times. (2005). *International War-Crimes Prosecutor Gets List of 51 Sudan Suspects*. The New York Times Company.

The New York Times. (2009). *Holding Mr. Bashir Accountable*. The New York Times Company.

The New Zealand Herald. (2005). *Fighting war on new front*. The New Zealand Herald.

The Sunday Herald. (2005). *British Soldiers Could Be Charged with War Crimes*. London: Newsquest Media Group.

The Times. (2002). *Can We Bomb Iraq?* London: Times Newspapers Limited.

The Times. (2008). *Judgment Day for Darfur*. London: Overseas News.

The Times. (2005). *Investigators Target Darfur Killers*. London.

The Times. (2006). *Darfur - No Justice Without Peace?* London: Times Newspapers Limited.

- The Times. (2010). *Fresh powers could mean leaders face court over Iraq*. Times Newspapers Limited: Ireland.
- The Toronto Star. (2005). *300,000 feared dead in Darfur*. London: Reuters News Agency.
- The Washington Post. (2003). *What goes around comes around*. The Washington Times LLC.
- The Washington Post. (2008). *ICC Warrants Sought for 3 Sudanese Rebel Chiefs*. Maryland: Washington Post Foreign Service.
- The Washington Times. (2004). *Cluster Bombs Called 'War Crime'*. The Washington Times LLC.
- The Washington Times. (2010). *WikiLeaks boosts Iran influence in Iraq; U.N. requires U.S. protection for Camp Ashraf refugees*. The Washington Times LLC.
- UN Integrated Regional Information Networks. (2003). *Congo-Kinshasa; EU Parliament Calls for Punishment of Pillagers*. AllAfrica, Inc.
- UN Integrated Regional Information Networks. (2012). *Congolese Refugees Hail Lubanga Verdict*. Nairobi: AllAfrica Global Media.
- UN News Service. (2005). *Sudan; Special Court On Darfur Crimes Not Satisfactory, UN Genocide Expert Says*. AllAfrica, Inc.
- UNICEF. (2006). *Facts on Children*. UNICEF Press Center.
- United Human Rights Council. (2013). *Genocide in Darfur*. Western United States: Armenian Youth Federation.
- United Nations. (2003). *Congo-Kinshasa; DR of Congo Presents Frightening Picture of Human Rights Abuses - UN Expert*. AllAfrica, Inc.
- United Nations News Service. (2006). *Sudan; Prosecutor in UN-Backed War Crimes Court Sees Multiple Darfur Prosecutions*. United Nations News Service.
- United Nations Security Council. (2008). *Statement by the President of the Security Council*. United Nations.
- United States Holocaust Memorial Museum. (2011, July). *Sudan*. Retrieved from United States Holocaust Memorial Museum: http://www.ushmm.org/genocide/take_action/atrisk/region/sudan/violence
- Vanberg, G. (2001). Legislative-Judicial Decisions: A Game-Theoretic Approach to Constitutional Review. *American Journal of Political Science*, 346-361.

- Vanberg, G. (2005). *The Politics of Constitutional Review in Germany*. Cambridge: Cambridge University Press.
- Watchlist on Children and Armed Conflict. (2006). *Children and Youth; Recruiters of Child Soldiers Targeted for Prosecution*. Inter Press Service.
- Weekend Australian. (2009). *International Court on Trial*. Nationwide News Pty Limited.
- Western Daily Press. (2004). *Put Blair in the Dock for War Crimes*. Bristol United Press.